SENATE—*Tuesday, July 21, 1992*

(Legislative day of Monday, July 20, 1992)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Preserve me, O God: for in thee do I put my trust.—Psalm 16:1.

Eternal God, sovereign Lord of history, and Ruler of the nations, as the national election enters its final phase and pressure builds to November, we pray for the fresh wind of God to blow upon our Nation. Grant to political leaders wisdom and sensitivity to our present condition. Grant to the people an awakening to their sovereign responsibility. Help them understand that our political system will not work without their dedicated involvement.

Grant us, dear Lord, the realization that God is a transcendent reality upon which all reality depends, that He is not just a word to be inserted at the end of a political speech. Help the press and media realize that they have a responsibility to lead, not just follow; to instruct, not just inform; to constructively report the best and finest, not just the negative and worst. Restore to mind and heart the indispensable need for spiritual and moral recovery.

In the name of the Savior and Lord of history. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, Members of the Senate, this morning the period for morning business will extend until 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the exception of Senator PRESSLER, who is to be recognized for up to 10 minutes.

Once the period for morning business closes at 11 this morning, the Senate will resume consideration of S. 2877, the Interstate Transportation and Municipal Waste Act of 1992.

From 12:30 p.m. until 2:15 p.m. the Senate will stand in recess to accommodate the regular party conference luncheons.

Mr. President, for the information of Senators, I want to repeat what I said prior to the recent Fourth of July recess with respect to the Senate schedule for the upcoming legislative period. We have a number of important measures to consider and limited time within which to consider them. Therefore, Senators can expect lengthy sessions throughout this period and, unless otherwise announced, beginning today, sessions and votes on 5 days of each week.

I repeat, unless otherwise announced, Senators should be prepared for legislative sessions, beginning today and continuing through the commencement of the August recess, the recess to occur for the Republican convention, 5 days a week with votes 5 days a week at any time of the day or evening, unless otherwise announced, pursuant to agreement.

I regret the inconvenience this may cause Senators, but, as we all understand, our primary responsibility is to meet our public obligations, and we have a number of important measures, including all of the appropriations bills, which we have to complete prior to the end of the fiscal year on September 30. That means that it will be necessary, in view of the relatively few remaining weeks available for legislative action, to have lengthy sessions, as I previously stated.

I thank my colleagues for their patience and understanding in this matter, and look forward to a productive legislative session.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the remainder of my leader time and all leader time of the Republican leader be reserved for use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the order, Senator PRESSLER is recognized for up to 10 minutes.

TIME FOR CAUTION IN CENTRAL ASIA

Mr. PRESSLER. Mr. President, I have requested time this morning and tomorrow morning to begin my report on a recent trip to many of the new States of the former Soviet Union and the Baltic States. My criteria may be difficult. They include building democratic institutions, respecting human rights, and creating free market economic conditions.

From July 3–19, I led a delegation that visited nine States of the former Soviet Union: Russia, Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Georgia, Moldova, Ukraine, Belarus. We also visited Latvia, one of the three Baltic States which, like Moldova, were hostages to the Hitler-Stalin pact for 50 years.

I also believed this trip was essential because the Senate had just completed consideration of S. 2532, the so-called Freedom Support Act to provide United States taxpayer assistance and increase lending by the International Monetary Fund to the former Soviet Republics. Senators will recall that during consideration of that legislation, I offered several amendments and participated in a number of debates on whether U.S. assistance could make a difference and what minimal, reasonable conditions Congress should urge to protect the American taxpayer's investment in a time of economic recession and enormous Federal budget deficits.

Ultimately, I joined the majority that approved S. 2532 by a vote of 76 to

20. However, Mr. President, my overall impression of the nine former Soviet Republics and comparison with the Baltic States now makes me inclined to urge the other body to adopt many of the conditions passed by the Senate and oppose any conference report that takes an unrealistic or overoptimistic approach toward the former Soviet Union.

My impressions are not far from those of Henry Kissinger who, in a March article in the Washington Post, suggested that the United States limit its assistance to agriculture and technical aid. Grandiose plans in the former Soviet Union or lack of fair conditionality could, I fear, bring Congress to the point of debating who lost the former Soviet Union in just a few years if forces and personalities opposed to democracy, free enterprise, and human rights fail to gain control.

THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME

With the exception of the Baltic States, democratic hopes are far from being fulfilled in most of the former Soviet Union. In country after country that our delegation visited, I found that 1990 one-party elections had done little more than shuffle titles of institutions and shift a few people around who had been Communist Party apparatchiks.

In most non-Baltic countries I visited, some opposition exists but it is treated with open disdain or contempt by leaders elected in 1990 or actively opposed.

Mr. President, all of the countries of the former Soviet Union have signed on to Helsinki Principles of the Commission on Security and Cooperation in Europe. But none of the states of Central Asia are paying more than lipservice to the cornerstone concepts of free press, free association, tolerance of political opponents, and basic rules of fair play.

The gap between performance and rhetoric of Central Asian Republics should, by itself, make any United States assistance program highly skeptical and conditional. Free-for-all foreign aid to the former Soviet Republics gambles that by closing our eyes to actual conditions there Americans might unwittingly encourage unacceptable institutions and practices to grow up.

Mr. President, much of our information about conditions will depend on top flight Foreign Service officers from the U.S. Information Agency and the State Department knowing enough about America's priorities to produce usable unclassified reports to Washington based on those measurements. I am delighted that two personal friends, William Courtney and Henry Clark, are of that quality and have been nominated by President Bush to represent our country in Kazakhstan and Uzbekistan.

Confirmation of new envoys to the former Soviet Union should, in my opinion, not be routine. These women and men will be pioneers in somewhat hostile territory. For this reason, I will oppose efforts on the part of some on the Foreign Relations Committee to lump all the nominations together and consider as many as nine of them en bloc just prior to the August recess.

The Foreign Relations Committee and the European Affairs Subcommittee has plenty of time between now and August to look with care at each country, its needs, and the suitability of each nominee to their new post. Ramming a large number of nominees through the Senate on a short timeframe could signal that the Senate is not truly committed or serious about the monumental tasks these people face. By raising this question, I do not intend to give the impression that I personally am prepared at this moment to oppose or seek to delay any nominee. However, an orderly, constitutional confirmation process, undertaken in a careful environment, is the very minimum effort Senators owe the taxpayers and citizens of the former Soviet Union yearning to be truly free.

RUSSIA

At the beginning of my visit to the region, I was privileged to share a working dinner with a delegation from the Tax Foundation in Washington. Our hosts, Dan Witt, who serves as executive director of the foundation and David Jory, vice president of Citicorp/Citibank, joined other United States business leaders in a seminar with the Russians to plan a fair and equitable tax policy. Citibank is, of course, one of the most active companies in my own State, South Dakota, and this made me especially proud. If Russia wants foreign investment, it would be wise to follow the recommendations of the Tax Foundation for low taxes and a environment inspiring investment.

Hard working, realistic Americans from the private sector can do more with technical assistance and solid advice than armies of consultants from the State Department or Agency for International Development. I highly commend the Tax Foundation for its leadership in these efforts and I hope that many other principled American business leaders can become active throughout the former Soviet Union as an example that United States know-how and experience with free institutions are the best investment this country can make.

KAZAKHSTAN

The Tax Foundation discussions framed much of the rest of my visit to the former Soviet Union, which began in Kazakhstan on July 6. As I mentioned, I was delighted to be met at the airport by my old friend Bill Courtney, a top-notch Foreign Service officer I came to know when I first came to Washington more years ago than I like to recall. Mr. Courtney, a distinguished officer, is precisely the kind of envoy the United States should be sending to every former Soviet Republic.

During 2 days in Alma Ata, Kazakhstan's capital, I saw how difficult it is for the United States to start embassies from scratch. In all the places I visited, excellent people had come out on temporary assignments to help set up new posts. Working in uncomfortable positions, these officers have begun to set up viable embassies throughout the region.

Kazakhstan, like the other Central Asian Republics, is rich economically if properly developed. Unfortunately, in the name of socialism the Communist system has ruined much of the environment and created economic and political structures that must be overcome if the country is to progress.

I met with reporters, who asked a number of penetrating questions and sounded pro-American. I have little doubt that these people reflected well the outlook of the average citizen of Kazakhstan.

Mr. President, our best liaison with local people in all of the countries of the former Soviet Union are active representatives of the United States Information Service [USIS]. I was impressed everywhere I went with the quality and dedication of these people and believe that, in many ways, the United States Information Agency will blaze successful trails into the former Soviet Republics.

Later in my first day, I visited the chairman of the Supreme Soviet in Kazakhstan, Mr. Serikvolsyn Abdildin in his office. This was my first experience with the problem of the one-party 1990 elections. Above Mr. Abdildin's large desk in his spacious office was a portrait of Lenin, and, although he identified himself as a 30-year diplomat, I was told the man who joined us in the meeting, Nicolai Kurmangozhin, and his colleague, had spent his career in the KGB.

Mr. Abdildin noted that the current government was elected under the one-party system.

Both men claimed to be committed to democracy and CSCE principles of human rights, free press, and free association. Both hoped American investors would open up Kazakhstan in joint ventures and that a new railroad to China might provide alternative routes to export Kazakh raw materials.

That evening, during a working dinner, we were joined by Mr. Nickolay Akuyev, who chairs the Commission on Law and Law and Order in the Kazakh Supreme Soviet. Mr. Akuyev sounded very cautious about putting CSCE principles and a rule of law into place any time soon.

The dinner was also attended by Charles Bingman, a consultant who was showing the Kazakh Government how to set up a White House office structure and two experts on international arms verification, Dr. Edward Lfft and Alan French.

Following the dinner, the delegation met at our hotel with two local leaders of a free trade union, Valentina Sivrukova and Leonid Solomin. Each of them asked for more direct U.S. assistance to help them organize their union. Both complained that the overwhelming influence of former Communist Party officials and Communist bureaucrats referred to negatively as "chinovniki," were stifling the new labor movement in Kazakhstan.

I left Alma Ata appreciative of the embassy staff and of Ambassador-designate Courtney but with the strong impression that the same old Communist faces and policies remained in power. New free elections in Kazakhstan and elsewhere, respect for CSCE principles, and a cautious United States approach seem the best course of action.

UZBEKISTAN

The Government of Uzbekistan typifies the problems America and the West will face in dealing with the new States of the former Soviet Union. Another long-time personal friend of mine, Henry Clark, will be selected as Ambassador to Uzbekistan. Unfortunately he was out of the country during the visit, but we were staffed excellently by John Parker, a Foreign Service officer on temporary duty from Moscow.

I began my visit at a synagogue where the delegation spoke with Isaac Romanovich Shimonov, the leader of the congregation. Mr. Shimonov again struck me as rather cautious in describing conditions of Jews in Uzbekistan. He gave me a history of the Askenazi and Bukhara Jews in the region and noted that many young Jews were eager to leave for Israel or the United States. He mentioned that his synagogue was receiving useful assistance from the World Jewish Congress and that the greatest deficiency was in worship books and the small number of people who spoke Hebrew. He seemed concerned about the safety of Jews in Uzbekistan and said that when Secretary Baker's wife had visited he had been afraid to tell her the full story.

VISIT TO DISSIDENT IN UZBEKISTAN

We next departed for Uzbekistan, and prior to departing, Ambassador Courtney suggested that I meet with a political leader in Uzbekistan who had been reportedly beaten up. In fact, the rumor was that he had died.

I looked into this, and did make a visit to a hospital. I would like to describe that situation, because I think it illustrates what is going on in terms of the development of democracy. It was a visit to the hospital in Tashkent July 7, 1992.

Upon arriving at Tashkent, I set about trying to visit him. I was first told he probably would not be able to converse because of severe head wounds and also that it is almost certain that security people would prevent me from visiting if I tried a straightforward embassy request.

On July 7, 1992, John Parker, a Foreign Service officer in Tashkent, and fluent in Russian, and I made a sudden unannounced visit to the local hospital where we believed that Aburahim Pulatov, the chairman of the popular movement Birlik had received surgery and was being treated. We talked our way past security guards in the filthy hallways of the hospital. When we finally arrived at the room, a commotion ensued to keep us out. Then the head doctor came and said we could go in for a minute, but no pictures.

John Parker had not announced I was a visiting Senator. He had made it seem that we had some message for the beaten victim's family or something such. I do not know who the security guards thought we were, but I am sure they would not have admitted us if they knew our intentions.

Upon entering the hospital room, which was absolutely dirty, we saw two men with head wounds or bandages on their heads and black eyes. Both had had surgery and had been in the hospital a week to 10 days. They looked much better than they probably had earlier.

I asked Mr. Abdurahim Pulatov, cochairman of the Birlik, who he thought had beaten him, and he said unhesitatingly, it was done under the direct orders of President Karimov. He also explained how President Karimov's office carries out such things through a certain part of the Ministry of Justice or Interior, which reports directly to the President's office.

Mr. Pulatov said he had applied for some outdoor public meeting permits and made a speech or two. That was his crime. He was summoned to come into what is the equivalent of our Attorney General's office and was questioned. After leaving the government office, he and his lawyer had been approached by thugs and beaten up with lead pipes in full view of security people who stood and watched. He was sure it was an officially ordered beating by President Karimov, and he was sure it came as a result of his political activity.

We talked to him through a translator, John Parker, for about 10 minutes. Then the doctors came in and said I would have to leave. They asked us to leave a couple of times, as they were nervous about our presence. And they did not know exactly who we were and why we were there. At that point we took John's camera out of his bag and took a picture. The doctors objected, but we took a couple more. I took the camera and put it in my bags in case the security people tried to take the camera away from us, because I might have a better chance of holding on to it. We got out of the hospital without encountering any search or opposition.

Mr. Pulatov was very appreciative of our visit and is resolved to continue his political activities if he recovered. His lawyer, Mr. Alimov, was less talkative and seemed to be very sick. I understand that Mr. Pulatov will need more surgery on his head to have a plate put in. His eyes were swollen completely shut at first. They are now open, except he may have some damage in his right eye. But he clearly had the evidence of a very severe beating which was about 8 days old.

Later I confronted the Deputy Minister of Foreign Affairs, Fatih G. Teshabayev, about the whole matter and he told me this was an internal matter that a visiting Senator should not be concerned about. He would not deny that such a beating had occurred, and he would not discuss whether it came from the President's office, just that it was an internal matter.

I told him that I very much wanted to talk to the President about this. The President was away, ironically, attending a CSCE meeting in Helsinki.

So I told Mr. Teshabayev that until this matter was fully settled I would:

Oppose the Double Taxation Treaty with Uzbekistan, unless there was some explanation of this beating;

Oppose President Karimov's visit to the United States. Mr. Karimov requested an unofficial visit and requested to meet President Bush. I hope that is not agreed to until there is an explanation of this.

I asked for an investigation by the CSCE of the beating and what connection, if any, the Government had.

RIGHTS OF JEWS IN CENTRAL ASIA

The second thing I did on this trip was to look into human rights of minorities. I met with several Jewish leaders in the Central Asian Republic. To summarize my meeting with one of them, the head of the Jewish community at Bishkek, I met with Mr. Alexander Katsev, who is chairman of the Department of Philology of Bishkek University.

Mr. Katsev gave me permission to use his name. He was fearless. Although some of the other Jewish leaders we met within other countries admitted when Mrs. Baker was there they did not raise the issue for fear there would be reprisals in their community.

I would like to summarize what Mr. Katsev told me which was representative of what the Jewish leaders in the various countries told me, and this too raises concerns about human rights.

Mr. Alexander Katsev told me there are 9,400 people in Kyrgyztsan of whom 4,700 hold passports that identify them as Jewish. In the Soviet Union, citizens had passports by nationality, and this practice continues.

The Jews in Kyrgyzstan are Bukhara Jews as opposed to Ashkenazi Jews. That is, they migrated to what is now Bukhara, Uzbekistan, in the 10th century. They are not descendants of an

Old Testament "lost tribe." They speak and worship in Farsi rather than Hebrew. Mr. Katsev said there has been a law on the books since 1929 stating that learning Hebrew is illegal.

He said the Jewish community is very frightened. "When you do not have enough to eat, you blame someone—usually Jews." He said rumors were being spread that "Americans and Zionists are buying Kyrgyztsan."

Mr. Katsev continued that because 2,000 Jews have left since 1989, people mistrusted Jews and hesitated to do business with them. And 6,000 identified themselves as having Jewish passports in 1989—now in 1992 only 4,700 do.

The Jewish community is fearful of the new Kyrgyzstan Constitution, because it makes the Kirghiz language the official language. "Most Jewish people do not speak Kirghiz and thus will be barred from many jobs," he said.

Mr. Katsev asked me, "Can we count on your help?"

I said that I would publish any human rights violations in the CONGRESSIONAL RECORD. I asked Mr. Katsev to send me periodic reports, and I said I would publish them here in the CONGRESSIONAL RECORD.

Mr. Katsev suggested that the American Jewish community establish an Adopt-a-Country Program wherein Jewish or non-Jewish people from the United States would systematically visit the Central Asian countries on a periodic basis to monitor and report to the outside world what is really going on. "We are afraid," he concluded.

I said that I would fight in Congress to place conditions of human rights to any U.S. aid.

I also told him and his group that I would publish any violations he gave to me. I would try to hold up aid if there were violations. I would write a memorandum to President Bush. And write a memorandum to the American Jewish community leaders on their Adopt-a-Country Program which would have American people monitor what is happening.

I also said that I felt if the Jewish minority is treated unfairly then certainly other minorities would also be treated unfairly.

Mr. Katsev also said in late 1970 and early eighties that he knew that I had published some names of Czechoslovakian dissidents in the CONGRESSIONAL RECORD, and that this had been helpful. I told him of this and said I could do the same thing for the Jewish people of Bishkek and the Central Asian Republics.

But, Mr. President, I think the point here is that again we are seeing people who are fleeing to Israel and fleeing to the United States, because they are mistreated. And this is a country that the United States is giving aid to, this is a country that American taxpayers are allocating scarce resources away from education, away from the problems of Los Angeles, away from agriculture, and indeed perhaps even the American taxpayers will have to take a tax increase with the deficit.

But I think we have to condition aid, as we did in Central America, as we do in the rest of the world. And I disagree with the Bush administration wanting a straight up-or-down bill with very few conditions on it. For some reason I think that President Bush and Secretary Baker want the aid package to go forward quickly. I think they do not want it to become an election issue.

But I think all of us here in the Senate have to stand up and put on more conditions and speak up, because as I pointed out the institutions of democracy and the institutions of human rights are not being regarded in the Central Asian Republics, and I think the American people need to know about it.

A third area of criterion is development of free enterprise. That is what the American people want to see in some of these countries.

But the fact of the matter is that most of the leaders are reconstituted KGB and Communist leaders.

Mr. President, in each country I also tried to meet with poets, writers, and intellectuals. And I found that they were all acquainted with the works of Mr. Brodsky, our poet laureat, who was here in Washington last year. But they too expressed concerns about what is really happening in terms of the country's thinking, and in terms of the development of human rights, free enterprise, and democracy. I will have more to say about that in a subsequent speech.

KYRGYZSTAN

Mr. President, after Uzbekistan, the delegation journeyed to Kyrgyzstan and its capital, Bishkek. During 2 days of meetings there, we heard more reformist economic rhetoric than in the first two Central Asian countries of the trip. In addition to meeting with Kyrgyz Government leaders we also discussed the country's potential with American businessmen looking to develop the mining industry.

As a farmer by background, I always feel it is important to get out and see the people in their working environment. We visited a collective farm which was short of spare parts, seeds, and other necessities and a brewery where a portrait of Lenin and Marx hung in the office of its director. Despite economically sensible rhetoric on privatization, even Kyrgyzstan has a long way to go to match minimal conditions for United States assistance. However, I had the impression that some useful assistance could be provided.

But I did want to point out that I visited a collective farm in Kyrgyzstan, went out unannounced, where they were harvesting grain, and talked to some of the collective farm leaders. They said it was just impossible to convert to free enterprise, and very little conversion had occurred.

I also visited some business, including one beer factory in which after the tour of the factory we went into the manager's office and he had a large picture of Lenin and Marx right behind his desk. I am sure at his staff meetings in his large office that his managers and workers and so forth are impressed with the fact that he still has Marx and Lenin up in his office. We found that to be true.

In fact, in a tractor factory up in Belarus, later on in a trip, the manager of a large Belarus tractor factory which is supposed to be converted to free enterprise has a statue of Lenin in his office. But these are all reconstituted Communists.

We found the same thing to be true whether it was Turkmenistan or wherever it was, pictures of Lenin, statues of Lenin, still up in the offices of managers of businesses. So I think those fellows are hedging their bets, to put it kindly, and they are certainly not in the mood to move toward free enterprise.

GEORGIA

Mr. President, I want to just briefly touch on the issue of Russian troops, and I will cover a bit of the visit to Georgia where we met with Eduard Shevardnadze and the Governor of Gori making a side trip to Stalin's hometown of Gori and a statue of Stalin is there where we visited the Stalin museum. The difficulty was that the Governor of Gori, Mr. Valiko Doliashvili, told me that he had been fired upon by Russian troops. There is a Russian garrison at Gori. And if they disagree with what is going on they just come out onto the streets and shoot. And the Governor took me on a little car tour around and told me the last time the Russian soldiers came out was about 3 weeks ago and they had just fired on civilians, including firing on the Governor himself, a local citizen.

But this shows the abuse that the Russian troops carry out in some of these countries.

Now, Shevardnadze told me he said sometimes the local Russian troops, the chain of command is broken, they do not want to go back to the Soviet Union, because the standard of living there is lower, and they are really not operating under orders from anybody. This is very, very frightening.

So American taxpayers are indirectly supporting Soviet troops in foreign countries. And that is why I offered on this floor an amendment to get the troops out of Moldova and out of the Baltic Republics. I would extend that to Georgia.

I was disappointed in the soft approach that Eduard Shevardnadze took. He is the foreign minister again in office not by election but by coup.

They are very demanding of U.S. aid, U.S. food, U.S. energy. They are going to hold an election this fall, to their credit. But they are certainly not moving toward free enterprise. They are certainly not speaking out strongly against the human rights abuses by Soviet troops who are still there, by Russian troops, I am sorry. I have to relearn my vocabulary here.

I think that we need to conditicn aid to a country such as Georgia. I will be writing a report on my trip and sending it to each House Member and Senate Member urging that we place more conditions on that aid.

TURKMENISTAN

The least reformed of any of the Central Asian Republics the delegation visited was Turkmenistan.

A Stalinesque cult of personality seems to surround the President, Saparmurad Niyazov, whose portrait is in all Government offices and who is referred to as "the President" or "our leader" with reverential respect.

Turkmenistan is close to the Iranian border and, as in other Central Asian Republics, there is a lively competition between Turkey and Iran for economic and political influence. The future of Turkmenistan's great reserves of natural gas is at stake and the United States should work closely to assure that the gas is not used as a weapon to reward or punish States of the former Soviet Union.

WITHDRAWAL OF RUSSIAN TROOPS

Mr. President, later in the trip, I was the first westerner to go on the Russian phased array radar base in Latvia at Skrunda.

I asked them when they thought the Soviet troops would leave the Baltics. They said it would be 10 to 15 years before they could leave. That is in contrast to Mr. Yeltsin's statement made a day or two after our amendment here on the floor—he made it at the CSCE meeting in Helsinki—that the Russian troops would start to leave next year.

I point this out because these statements are analogous to what was said in many of the other places where the Russian troops remain. The troops themselves and their commanders have quite a different view. They feel they have their own line of command and they do not seem to be taking orders from Yeltsin, or at least they are not repeating what he said in terms of targets of moving troops out of those countries.

Mr. President, I would conclude this portion of my report by saying that I voted for the Freedom of Support Act when it passed the Senate. Based on my trip, especially to Central Asia, there must be more conditions placed on that act in terms of human rights, in terms of development of democracy, and in terms of development of free enterprise.

Our Embassies and our country must be a standard bearer for idealism. We have many problems in our own society. As I explained to many of these leaders, we have a deficit, we have problems of racism to deal with, we have inner-city problems. Indeed, I personally am going to go patrolling with the Orange Hats in the District of Columbia, a crime prevention group here in our Nation's Capital. So we have plenty of problems to deal with.

But one thing a good Government has to do is face up and admit the problems and not deny them or sweep them under the rug or beat up the opposition or say that they do not exist.

Also, these countries must face up to the fact that there has to be political competition, there has to be some new faces. These are all reconstituted Communists who maneuver around to be sure they have a one-party system, even though it is not called Communist, who are inclined to beat up or discredit their opposition, who will not let other parties form, who will not allow outdoor permits to be issued for political rallies, all the Western standard things.

If these countries want aid from the West, if they want to be a Western country, so to speak, they have to behave accordingly. But our Embassies out there have to be equipped with conditions on aid so they can tell them what we think the standards are. And it is not necessarily that we are imposing our standards on the world. But if we are going to be giving U.S. taxpayers' dollars there, then we have a right to make suggestions as to what the standards of conduct should be.

That is the same thing we have done with aid in all other parts of the world. In fact, I had an amendment on our aid bill to Pakistan that said if they develop nuclear weapons, they could not get aid. So Pakistan is being denied aid.

A central question of new elections to replace one-party leaders elected in 1990 is another key question Congress should consider as we work through the Freedom Support Act.

I know that the administration wants to keep this bill as clean of conditions as possible. But unless Congress speaks up, we are going to be giving aid to countries that are not respecting and are not developing democracy, that are not moving toward free enterprise and that are abusing human rights.

Mr. President, let me extend my thanks to three people who provided excellent professional and expert staff work as part of the delegation. They include Anne V. Smith, who serves as deputy director of the Subcommittee on European Affairs of the Senate Foreign Relations Committee; Dr. Bruce Rickerson of my staff; and Lt. Col. Steve Barach of the Senate Liaison Office of the U.S. Air Force.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). Does any Senator seek recognition?

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORGEN MANUFACTURING COMPANY: A MODEL FOR THE USE OF FOREIGN MARKETS

Mr. PRESSLER. Mr. President, American companies are fighting an uphill battle against their foreign counterparts in the world marketplace. Faced with the unfair trade practices of other countries and numerous illegal trade barriers, many American companies nevertheless are meeting the challenge head-on. In spite of many hurdles, numerous U.S. companies are working hard to gain greater access to world markets—and they are prospering. These American international trade success stories do not receive the recognition they deserve.

One excellent example of the hard work, innovation, product development and improved marketing techniques it takes to succeed in the international marketplace is Morgen Manufacturing in Yankton, SD. Morgen Manufacturing recently was named to the World Trade 100. World Trade magazine singles out for special recognition companies that sustain substantial export growth over a 4-year period. In many cases, their achievements include breaking into a particularly competitive market, introducing a new product into export trade, or opening up a protected market. Morgen Manufacturing, a specialist in concrete placing and spreading equipment, successfully exports to nearly 100 countries on 6 continents.

Morgen Manufacturing, which was founded in 1950, employs 99 people in Yankton County, SD. Adjustable masonry scaffolding was the company's first product. In the late 1950's and early 1960's, Morgen Manufacturing decided to update its plant and equipment. This move allowed it to better serve its customers and has made its current success possible.

Morgen Manufacturing first entered overseas markets 20 years ago. Currently, its top foreign markets are countries in the Middle East. In 1984, the company created an international sales department to further expand its foreign markets. By working hard in foreign markets, Morgen Manufacturing should continue to thrive. Overseas markets are its future.

During the 1980's, most of the world's best concrete construction markets suffered severe economic setbacks.

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While this was happening, the overvalued American dollar caused further problems. Morgen and other American manufacturers found it more difficult to compete in foreign markets. To combat this problem, Morgen designed equipment especially for foreign buyers, built products with features superior to foreign competitors, and compared its products to similar products of foreign competitors. Through these efforts, Morgen was able to survive during a time when many other businesses failed.

Morgen Manufacturing's total sales for 1991 were $10 million. Export sales are a very important part of that total. In 1989, export sales accounted for 34 percent of Morgen's total business. In 1990, exports were 45 percent of total sales, and 1991 exports were 32 percent of its total business. Expanding its product lines and designing products superior to those of foreign competitors are two factors that have helped Morgen Manufacturing become a leader in its field.

Morgen's success has not gone unnoticed. The Department of Commerce recognized Morgen Manufacturing in 1981 by presenting it the "E" Award, and again in 1991 with the "E" Star Award. These awards honor companies for substantial increases in the volume of exports and maintaining high export levels.

Mr. President, I think this is significant because it is a small company in Yankton, SD, that has exported under very difficult circumstances.

South Dakota as a whole has enjoyed an increase in exports. For instance, in 1990, South Dakota's export to Canada were $25 million. However, in 1991, exports to Canada increased almost four times to $97 million, with total state exports at $226 million.

I say with some pride I think the Canadian-United States trade agreement has worked well in our State.

South Dakota exports a wide variety of products. Agricultural products, textile mill products, metals, and computers are just a few of my State's many exports.

Exports means more jobs for South Dakotans. For example, every billion dollars of manufactured exports creates 19,000 new jobs. In agriculture the job creation power of exports is even higher. For every billion dollars of agricultural goods exported, 22,000 jobs are created.

Part of the success of South Dakota companies' export efforts—like those of Morgen Manufacturing—can be attributed to the decision to target their sales efforts to certain markets rather than the entire world population. The State office of export, trade and marketing might have said it best: "We are more oriented to product markets than trading geography. We try to stay on top of what South Dakota manufacturers have to sell, then target countries that might be interested in the product."

South Dakotans are proud of Morgen Manufacturing. The people of my home State have a long tradition of producing high quality products. In addition, the economic environment of South Dakota is very conducive to business activities. We try to avoid excessive regulation and taxation of small businesses.

South Dakota has been working with companies like Morgen Manufacturing for many years. My home State's industries are expanding every year through competition in world markets. Support and encouragement from Government for our Nation's industries helps the United States to remain the leader in world trade.

Mr. President, I ask unanimous consent that a portion of an article from the June 1992 issue of World Trade magazine highlighting Morgen Manufacturing's contribution as a member of the World Trade 100 appear in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WORLD TRADE 100

Company: Morgen Manufacturing Co., Yankton, SD.
Exports: Construction equipment.
Sales strategy: Direct, dealers.
Foreign customers: Construction.
Top 3 foreign markets: Saudi Arabia, Turkey, Egypt.
3-year exports (% of sales, '89, '90, '91): 34, 45, 32.
Total sales (in millions): $10

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $3,979,997,842,299.84, as of the close of business on Friday, July 17, 1992.

On a per capita basis, every man, woman, and child owes $15,494.88—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

TRIBUTE TO COAST GUARD RESERVE UNIT PITTSBURGH

Mr. SPECTER. Mr. President, today, I wish to pay tribute to the accomplishments of Comdr. Jon W. Minor and the members of Coast Guard Reserve Unit Pittsburgh. Recently, the unit was awarded the Congressional Award Trophy as the Reserve Unit of the Year for 1991 by the Coast Guard Reserve Officers Association.

Throughout the history of the United States, we have relied on citizen sailors and citizen soldiers, ordinary men and women prepared to leave their civilian occupations to respond immediately to the defense needs of our Nation. The effectiveness of citizen sailors and citizen soldiers is wholly dependent on the ability of Reserve units to maintain their readiness. It is therefore important to recognize those Reserve units that excel in carrying out this important duty.

I was extremely pleased to learn that the Coast Guard Reserve Officers Association selected Reserve Unit Pittsburgh as the Reserve Unit of the Year for 1991. The award is due recognition for the great sacrifices willingly endured by the 93 members of the unit so that they all will be ready for any contingency. The unit's commitment to public service is an inspiration to Pittsburgh and all of Pennsylvania.

I am hopeful that the Senate will join me in congratulating Comdr. Jon W. Minor and the members of Coast Guard Reserve Unit Pittsburgh for their achievements.

HORACE AND DOT SMITH: THE FIRST 50 YEARS

Mr. HOLLINGS. Mr. President, we have heard much talk in recent weeks about family values, but I rise today to talk about the value of one family, the family of Horace and Dorothy Smith, who celebrate their 50th wedding anniversary today in Spartanburg, SC.

Mr. President, Horace and Dot Smith are the kind of standout citizens who truly define the character of a community such as Spartanburg. They have given of themselves in so many ways down through the years.

Horace Smith's truly distinguished career of public service goes back four decades. It includes 5 years in the South Carolina House of Representatives, 2 years as solicitor of the seventh judicial circuit, and nearly a quarter century in the South Carolina State. He is a past president of the Spartanburg County Bar Association and a founder of Fernwood Baptist Church. And he has been extraordinarily generous in his support of local educational institutions including the University of South Carolina at Spartanburg and the South Carolina School for the Deaf and Blind.

Dot Smith has been an active volunteer in a wide range of civic projects in Spartanburg. But, first and foremost, she has been a dedicated mother and grandmother, tremendously proud of her sons and daughter, David, Stephen, and Cynthia.

Likewise, I know how proud the children and grandchildren are of Horace and Dot. I am, too. They are wonderful friends. I congratulate them and wish them every happiness in their next 50 years together.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT 1992

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2877, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2877) entitled "Interstate Transportation of Municipal Waste Act of 1992."

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, I rise today to speak on behalf of S. 2877, legislation which I have cosponsored, and I offer my sincere thanks to the lead sponsors, Senator COATS and Senator BAUCUS. This very important measure would give the States much-needed authority to regulate the disposal of out-of-State garbage. I have a personal story that I would like to relate to my colleagues, which emphasizes the urgent need for this legislation.

While some of my colleagues had the opportunity of enjoying New York City, the Big Apple, over the recess, the State of Missouri was threatened with the apple cores from New York City. The personal saga of the trash train may have reached some of you through the media, but I can tell you when a train load of stinking garbage from New York City began to wend its way back and forth across Missouri, it was a very real and a very personal threat to many Missouri communities and the people who live there.

This is a map of my State, and this is part of the odyssey of the trash train. A load of about 40 cars of rotting, maggot-filled trash arrived in East St. Louis about 2 weeks ago. An agreement had lapsed and Illinois decided it did not want it, so the trash train wended its way across Missouri and wound up in Kansas City, KS. Kansas did not want the garbage, either. The mayor of Kansas City took a very strong position that he was not going to have it in his city.

Well, the operators of the trash train thought they had a solution. They looked around and they found a town, a wonderful little community of Clinton, MO, that had some space in its landfill, so they sent trucks headed towards Clinton, MO, with the rotting, maggot-filled stench of the garbage of New York City.

I arrived in Clinton about the time of a heavy rainstorm and the first five or six truckloads of the garbage. The people of Henry County, MO, were not thrilled with the opportunity to receive this wonderful package of aid from New York City.

This is a photo of what we are talking about; this is the trash train. All of this stuff smells bad. The people who really deserve our sympathies are the railroad workers who had to handle it, the truck operators, and the landfill people who had to deal with it. For 2 weeks it simmered and boiled in the hot Sun with plenty of rain to moisten it and keep it nice and juicy. Fortunately, we were able to rely on the good media coverage, some State safety, health, and environmental laws and judges of State courts to finally turn the train around.

They finally said they would leave so they loaded it back up and they headed up this way. Last weekend it stopped in Clark County, MO.

Fortunately, the trash train kept on moving. Ultimately, it went back to New York City, where it should have been dumped in the first place.

Why is it such a concern to the people of Henry County or to any other locality that their community may be sited for a tremendous load of garbage? They realize they have to deal with their own garbage. They set up landfills in their communities. But as rulings of the Supreme Court have recently made clear, only Congress has the right to regulate interstate commerce.

A community, any community, which has a landfill right now is subject to a decision of a landfill operator. It may be in that landfill operator's own economic self-interest, to say: I've got this landfill that is supposed to operate in this community in 20 years, but I can get my money back and fill it up right now if I take this load of garbage.

The people who are not being considered in that equation are the people of the community and the elected officials, who may have planned that landfill to meet the garbage needs of that particular community for 10 to 20 years. All of a sudden, one great big stinking load of garbage from someplace else fills up the landfill.

I think that a cartoon that appeared in the St. Louis Post-Dispatch reflects the view of Missourians on the trash train about as well as I can say it. This is "The Big Apple Comes to the Midwest." Unfortunately, the picture does not do it justice, and we have not developed the technology yet to produce scratch-and-smell records of the CONGRESSIONAL RECORD which would allow everybody to have a little bit of the flavor or the odor of this trash travesty.

Mr. President, the people of Missouri are convinced that there needs to be some balance; there needs to be some way for a community, through its local, elected leaders petitioning the Governor, to say: Wait a minute; we are not ready to take all of that trash, all of that garbage from some other area.

I hope ultimately that this will lead to negotiations, economic marketplace decisions that could be made by communities through their local leadership, to say: If we can generate some revenue for our community, we might be willing to take some of this out-of-State garbage. But right now, they have very little opportunity to do that.

I believe that the measure before us, S. 2877, provides a vitally needed protection for local communities and States to say: Hold on; not so fast. Do not come in here and dump your garbage.

My State of Missouri was able to evict the train, along with Illinois and Kansas, because people in our States objected loudly and strenuously. The States were able to utilize their limited current authority effectively. The problem has not ended, however. We need to have a solution that will involve leadership of the communities and the States, the elected representatives, in having some say in how their landfills are utilized.

For that reason, Mr. President, I commend the sponsors of this legislation. I am proud to be a cosponsor. I urge the Senate to move expeditiously and give communities some means of protecting themselves against large inflows of heretofore unplanned and unexpected garbage trains. It is a very real and a very serious question for those communities targeted for such benefits from outside.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. COATS. Mr. President, as our colleagues know, we are in the midst of debate and now in position where the bill S. 2877, interstate transportation of municipal waste, is open for amendment.

The debate centers on an amendment that I intend to offer relative to one of the contract provisions of the bill. That contract provision was discussed last evening at some length. We are currently attempting to see if it is possible to resolve the issue in a way that is satisfactory to both sides, and it may be that we will not have a resolu-

tion of that until after our recess for policy lunches.

In any event, the issue before us involves the question of whether or not a State has the right granted under the provisions of S. 2877 to exercise a ban or limitation, or exercise the powers given to them under the terms of this particular amendment and bill, over contracts entered into among private parties.

The bill as written contains a provision which exempts from the authority granted to States contracts currently in existence between private parties.

The problem with that is, in this Senator's interpretation and the interpretation of a number of Governors, attorneys general, other Senators and those who have looked at the provision, that particular provision pretty much guts the intent of the bill and will not allow importing States to accomplish the purposes for which the bill is offered.

I submit for the RECORD letters from the attorneys general of two States and the Governor of my own State. Our Governor of the State of Indiana has written to me indicating that unless this particular contract provision language is removed from the bill we will not solve the problem that currently exists in Indiana. And, of course, the same situation exists in any State importing municipal solid waste from another State.

The loophole created here results from situations in which the exporter enters into a private contract with the importer, which might be a landfill operator or owner of a particular landfill.

In many cases those situations arise wherein someone related in one business form or another to the exporter becomes owner of or has a controlling interest in the landfill which receives the waste. A private contract is entered into. Often those contracts are open-ended or have renewal clauses which extends for an indefinite period of time, have volume increase clauses, have all kinds of arrangements whereby the trash would continue to flow and the State would have no authority over the flow of that trash. And that is why it is extremely important we deal with this particular provision.

Mr. President, I ask unanimous consent that a letter from the Governor of Indiana to this Senator be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Indianapolis, IN, July 17, 1992.

Hon. DAN COATS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR DAN: I believe we share a concern that language exempting preexisting contractual relationships from out-of-state waste restrictions may create undesirable loopholes in the federal interstate waste legislation.

I appreciate your effort to try to eliminate this language from the legislation and I wholeheartedly support it. The United States Constitution protects private contracts. Every state has a well-established body of contract law. Courts have experience in dealing with the issue of the applicability of changes in law to pre-existing contractual relationships. I think that the inclusion of specific language on this issue is bound to muddy the waters and lead to unanticipated problems.

We had an experience with this very problem in Indiana a couple years ago. A bill passed our legislature imposing a solid waste disposal fee, but exempting disposal pursuant to preexisting contracts from the fee. This created such problems that the exemption was subsequently repealed.

Thank you for having your staff discuss this with my office.

Sincerely,

EVAN BAYH,
Governor.

Mr. COATS. I am also in receipt of a letter from Mr. Frank Kelley, dated July 21, which says:

We are all aware that the problem of waste management is at crisis level. Indiana, Pennsylvania, Ohio, Oklahoma, Kentucky, Michigan, Wisconsin and many other states have had problems dispensing with their own garbage; however, that is not all we are asked to do. Every year, we in importing states take in thousands of tons of trash which severely limits our ability to preserve our landfills for our own needs.

I might parenthetically add here, in many States it exceeds the thousands of tons by several hundreds of thousands and sometimes reaches into the millions of tons per year level.

Attorney General Kelley goes on to say:

When the Senate returns, you will have the opportunity to pass legislation giving states and communities a greater voice in their solid-waste disposal. While this vehicle, S. 2877, is vitally important to allow states the authority to control their solid waste management, we fear there is a serious loophole contained in Section 4011(a)(1)(C)(ii). This loophole will allow all contracts in existence as of the date of enactment of this bill to be grandfathered. The effect of this clause supersedes all authority given to governors to control their borders, including governors' ability to freeze imports at specified levels.

To correct this problem with S. 2877, Senator Coats will offer an amendment to tighten the language regarding the grandfathering of existing contracts. Under the Coats' amendment, only written contracts executed by an affected local government, or as a result of a host agreement between an owner or operator of a landfill or incinerator and an affected local government, would be grandfathered. This language is consistent with the intent of S. 2877, which is to ensure that the local government has the ability to meet its solid waste disposal needs, and it closes the loophole that threatens to circumvent the effectiveness of the bill.

We urge you to support the Coats' language on contracts when this amendment is offered during debate on S. 2877.

That letter was addressed to various Senators in this body.

Mr. President, what is spoken of here is the loophole in section 4011(a)(1)(C)(ii) which is exactly the loophole which my amendment addresses and attempts to modify.

I also submit for the RECORD a similar letter by the attorney general for the State of Ohio and ask unanimous consent that both the letter from Mr. Kelley, from Michigan, and Attorney General Fisher, from Ohio, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, July 21, 1992.

DEAR SENATOR: We are all aware that the problem of waste management is at crisis level. Indiana, Pennsylvania, Ohio, Oklahoma, Kentucky, Michigan, Wisconsin and many other states have had problems dispensing with their own garbage; however, that is not all we are asked to do. Every year, we in importing states take in thousands of tons of trash which severely limits our ability to preserve our landfills for our own needs.

When the Senate returns, you will have the opportunity to pass legislation giving states and communities a greater voice in their solid-waste disposal. While this vehicle, S. 2877, is vitally important to allow states the authority to control their solid waste management, we fear there is a serious loophole contained in Section 4011(a)(1)(C)(ii). This loophole will allow all contracts in existence as of the date of enactment of this bill to be grandfathered. The effect of this clause supersedes all authority given to governors to control their borders, including governors' ability to freeze imports at specified levels.

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We urge you to support the Coats' language on contracts when this amendment is offered during debate on S. 2877. Thank you for your support.

Sincerely,

FRANK J. KELLEY,
Attorney General.

ATTORNEY GENERAL OF OHIO,
Columbus, OH, July 20, 1992.

DEAR SENATOR: We are all aware that the problem of waste management is at crisis level. Indiana, Pennsylvania, Ohio, Michigan, and many other states have had problems dispensing with their own garbage; however, that is not all we are asked to do. Every year, we in importing states take in thousands of tons of trash which severely limits our ability to preserve our landfills for our own needs.

When the Senate returns, you will have the opportunity to consider legislation to give states and communities a greater control of their environmental destinies. While this vehicle, S. 2877, is vitally important to allow states the authority to control their solid

waste management, we fear there is a serious loophole contained in Section 4011(a)(1)(C)(ii). This loophole will allow all contracts in existence as of the date of enactment of this bill to be grandfathered. The effect of this clause supersedes all authority given to governors to control their borders, including governors' ability to freeze imports at specified levels.

To correct this problem with S. 2877, Senator Coats will offer an amendment to tighten the languages regarding the grandfathering of existing contracts. Under the Coats' amendment, only written contracts executed by an affected local government, or as a result of a host agreement between an owner or operator of a landfill or incinerator and an affected local government, would be grandfathered. This language is consistent with the intent of S. 2877, which is to ensure that the local government has the ability to meet its solid waste disposal needs, and it closes the loophole that threatens to circumvent the effectiveness of the bill.

We urge you to support the Coats' language on contracts when this amendment is offered during debate on S. 2877. Thank you for your support.

LEE FISHER.

Mr. COATS. Mr. President, let me note what we are talking about here is the ability of a State in the public interest to impair a contract entered into between private parties. As the Supreme Court has consistently held, impairment of contracts is not an absolute right as interpreted by the Supreme Court. A State action furthering the common welfare of its citizens is rarely struck down on impairment grounds despite the absolute wording of the clause. The Supreme Court has ruled in a case called *Manigault* v. *Springs*, as long ago as 1905, that the clause "does not prevent the State from exercising such powers as are vested in it for the promotion of the commonwealth * * * though contracts previously entered into between individuals may thereby be affected."

In other words, the Court has consistently ruled that the State does have the power to impair contracts if it is in the public interest. This case, *Manigault* v. *Springs*, 199 U.S. 473, 480 written in 1905, is the prevailing doctrine on the impairment clause.

I would also cite the case *Home Building and Loan Association* v. *Blaisdell*, 290 U.S. 398, 444, written in 1934. The Court has ruled further that "the reservations of the reasonable exercise of the protective power of the States is read into all contracts."

In another landmark case, *Fisch* v. *General Motors Corp.*, 169 F.2d 266, 270, issued in 1948, the Supreme Court ruled that "Rights secured even by private contract may be abrogated by subsequent legislation."

I would point out that the language in the amendment I am offering in no way diminishes the constitutional protection of contracts. That protection is still afforded by the Constitution and that in no way diminishes the protection offered by various State laws. That protection is also still offered.

All we are attempting to do with this amendment is return to the position of status quo that is established in the bill relative to the exercise of authority by various State to control the flow of trash into their States. That is the authority granted by S. 2877. I think the private contract clause undermines that authority and we are simply to return to that.

We are not seeking, here, additional authority to States to ban or limit trash. We are simply trying to return to the authority granted in S. 2877, as approved by the committee, relative to the authority to deal in this matter.

Mr. President, I see other Senators on the floor who may wish to speak on this bill. As I indicated to my colleagues, we are attempting to negotiate a satisfactory resolution so this amendment can be offered without lengthy debate and, hopefully, approved by both sides.

We entered into a somewhat contentious discussion of this last evening. I am hoping we can avoid that today. We probably will be able to make a determination on that when the Senate returns from its recess this noon.

With that, Mr. President, I yield the floor.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, interstate municipal waste transportation may sound like a dry and technical subject or a wet and smelly subject, but to Pennsylvania families and communities, the impact of out-of-State trash is very real and dramatic. Our State receives more out-of-State municipal waste than any other—over 3 million tons in 1991. Already, 1992 trash imports are running 44 percent higher than that. The result, on the ground, where people live and work, is thousands of trucks on our roads and highways, rumbling through residential communities to landfills that often stretch as far as the eye can see. Their smell can stretch even farther.

We have been concerned about landfill safety and environmental protection for years in our State. In fact, Pennsylvania has some of the toughest safety standards in the Nation, including requirements that landfills be double-lined and undergo extensive air and ground water monitoring.

Today, the Senate considers S. 2877, introduced by Senators BAUCUS and COATS. The core of this legislation is section 412 of S. 976, the Resource Conservation and Recovery Act Amendments of 1992.

I commend Senator BAUCUS for his work as chairman of the Environmental Protection Subcommittee in bringing this bill to the floor now. It is especially important in light of recent Supreme Court decisions which leave Pennsylvania virtually powerless to control out-of-State waste imports.

It is essential for Congress to act now to give States like Pennsylvania the authority to preserve their own landfill capacity for their own municipal waste needs.

This bill includes several provisions that I offered in the Environment and Public Works Committee. Under one such amendment, Governors of States that import high volumes of municipal waste could limit out-of-State waste to 30 percent of all disposed waste at its landfills. This cap will ensure that Pennsylvania, with its tough safety standards, will not be suddenly buried under a new tidal wave of trash, trash which had been going to States whose landfills will be closed for failing to comply with new, more protective standards.

Our State has also taken the lead in cutting down the volume of solid waste. We have stopped throwing away our trash like there is no tomorrow. Our statewide recycling program includes more communities than in any other State. In 1991 alone, Pennsylvania recycled 850,000 tons of municipal waste, an amount equal, I might note, to the out-of-State waste that we received in just the first quarter of 1992.

But our success at cutting down the mountain of trash should not make it easier for our neighbors to avoid making the same effort by simply shipping their trash to be buried in Pennsylvania.

States like ours must have the ability to maintain control over their limited landfill space and protect our economic and environmental resources for the future generations. This bill will give us that control over our own destiny.

The first responsibility of Government is to protect the public health and safety. For years, out-of-State trash has been increasingly threatening the safety of Pennsylvania communities and the health of Pennsylvania families. Our Governor has kept environmental protection at the top of his priorities, making the kind of sustained commitment which is essential for Government to work.

With recycling and landfill safety, Pennsylvania has taken sustained, effective action. But now we need congressional action to deal with the job of controlling out-of-State waste. Mr. President, I urge that we take that action by supporting this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, a week ago a train filled with 2,200 tons

of garbage sat rotting on the railroad tracks in Kansas City, KS. Like the infamous garbage barge that left New York City 5 years ago and wandered from State to State and country to country searching for a site to dump its cargo, the garbage train made its way westward from New York into America's heartland looking for a similar place to heap its trash.

Much has been written about the garbage train, and I expect much more will be said about it during the course of this debate. It is a stark reminder of a problem that many of us from the Midwest have been talking about for the past 2 years.

Officials in Kansas City could do little to stop the New York garbage from coming to their community. Unfortunately, garbage is considered a business, and the U.S. Supreme Court has ruled that States cannot interfere with interstate commerce. Unless Congress acts and passes the legislation before us, local and State officials will continue to be powerless to address the problem.

Kansas is on the front line in this battle. Landfills in States such as Pennsylvania and Indiana have already been filled to capacity with garbage from outside their borders. As these landfills close, garbage haulers have begun looking westward for new sites in States like Kansas, Oklahoma, and New Mexico.

Two years ago, when Senator COATS brought this issue to the Senate floor, Kansas received no east coast trash. I remember his warning that the problem would move westward if we did not act. Since then, out-of-State garbage haulers have attempted to dump garbage in at least four different landfills in my State. In fact, for several months bales of New Jersey trash were buried in a McPherson, KS, landfill that health officials have said is leaking cancer-causing compounds into nearby aquifers.

Today, I rise in support of S. 2877, the Interstate Transportation of Municipal Waste Act. I was an early cosponsor of legislation that would have given State officials even more authority to stop out-of-State waste from coming into their borders. However, I realize the problems an immediate ban would have on some exporting States, and I believe the compromise we are debating today is appropriate and reasonable.

Some of my colleagues will come to the floor today and say this is not the time to act and that the issue should be considered in the broader context of the reauthorization of the Resource Conservation and Recovery Act. I agree. Ideally that is where we should deal with this issue. Unfortunately, there are a limited number of days left for Congress to consider comprehensive RCRA legislation. Given the complexity and controversy surrounding many of the issues in the bill, it is unlikely that Congress will act on it before the end of the session. I am unwilling to wait to address this issue in a bill that may or may not be considered this session as more and more trash is shipped to Kansas.

Mr. President, the bill before us today will encourage exporting States to speed waste management programs such as recycling. It will encourage the development of interstate and multistate garbage disposal agreements. While the bill will not necessarily prohibit States from taking out-of-State trash, it ensures that when negotiations to bring garbage into a State begin, local and State officials will have a seat at the bargaining table.

The bill before the Senate today will give States and local communities clout in the national waste management debate. Those States that long have enjoyed the benefits of large populations now face one of its burdens. Those of us from less populous States stand ready to help ease that burden—but not by assuming it.

Mr. COATS. Mr. President, I also would like to submit a letter that we received, addressed to Senator BAUCUS and signed by the attorneys general of five States. I had previously submitted individual letters. This is a joint letter, signed by the attorney general of Ohio, the attorney general of Illinois, the attorney general of Indiana, the attorney general of Michigan, and the attorney general of Wisconsin, again, outlining their support for S. 2877, but also outlining their concerns with the contract clause which I spoke of earlier.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE OHIO
ATTORNEY GENERAL,
JULY 21, 1992.

Re the Senate RCRA Reauthorization; S. 2877.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: On July 16, we learned that S. 2877 is scheduled for debate beginning on Monday, July 20. The undersigned representatives of the midwestern states offer this joint letter of support for a number of concepts and components which we believe, at a minimum, should be evident in any federal interstate municipal solid waste legislation. We would appreciate your consideration of our concerns.

It is beyond debate that effective, enforceable state solid waste management programs play an extremely important part in the overall protection of our environment. It is only where states have the tools necessary to meaningfully quantify and plan for waste management needs by virtue of an ability to restrict or otherwise regulate waste imports that much-needed minimization and control of such waste can occur. Obviously, there is little incentive for states or communities within states to implement aggressive waste reduction and recycling strategies if their landfills can be unceremoniously filled to capacity by other states, regardless of those exporting states' utter lack of similar waste management hierarchies. On the other hand, as long as states which refuse to acknowledge their share of the responsibility for the national waste management crisis have benefit of judicial precedent which they construe to protect their practice of using other states as their dumping grounds, there is little incentive for those states to employ waste minimization and reuse or recycling techniques. Thus, an integral part of the solution of this growing national problem lies in effective long-term management, meaningful planning and the development of incentives to minimize reliance on landfills. Effective and enforceable state-by-state authorities are an integral part of this national solution.

To confound the situation, even the most reasonable, even-handed measures employed by state legislatures to allow states some control over the importation of out-of-state waste have been thwarted by the U.S. Supreme Court's reluctance to overrule or refine the out-dated principles established in the 1978 case of *City of Philadelphia* v. *New Jersey*, Most recently, the high court has stricken both Alabama and Michigan statutes which would have allowed differential, though reasonable, treatment of out-of-state waste. In the former case, *Chemical Waste Management, Inc.* v. *Hunt*, the Court struck down a state law that was designed to compensate Alabama's citizens for the increased risks and costs associated with the Emelle facility; a facility which can attribute in excess of 97% of its hazardous waste receipts to out-of-state sources. In the latter case, *Fort Gratiot Sanitary Landfill* v. *Michigan Department of Natural Resources*, the Court struck down Michigan's attempts to impose exactly the same restrictions on out-of-state waste as it imposed on the movement of intrastate waste. There, the Court went so far as to conclude that waste receipt restrictions based on district-by-district planning needs were unreasonable, even though they applied equally to allow the exclusion of both instate and out-of-state waste from certain landfills in Michigan.

The U.S. Supreme Court has thus made it clear that it looks to Congress (rather than avenues available in other precedent it refuses to apply to said waste) to define the limits of state authority in this area of "commerce." Thereby, the Court ignores the fact that waste possesses none of the traditional indicia of goods which is historically protected by the Commerce Clause. The Court ignores the fact that landfill-bound waste has virtually no value, its negative value being little more than bales of liability, expense and risk. States which create disposal capacity and assume environmental risks, let alone the social and political costs of unpopular facilities, are seemingly obligated to serve the needs of other states who have demonstrated their unwillingness to become self-sufficient.

It is therefore apparently incumbent upon Congress to decide the fate of the states, and to end the years of irresponsible dumping on states which are supposedly bound by the Commerce Clause to accept massive and disproportionate amounts of out-of-state waste by those states which have been rewarded by the decisions of the Supreme Court for their years of irresponsibility. In the process of addressing this great and pressing need, the undersigned states have marked the following cornerstones which, based on their common experiences, are essential to effective federal legislation:

1. Out-of-state waste surcharges. Congress should provide for limited waiver of the Commerce Clause to enable states to impose fees to compensate them for the costs of managing imported wastes and to reduce the economic incentives of other states to export wastes. However, it should be recognized that while states are developing self-sufficiency, a certain level of waste exportation will occur. Exportation should be available to states, at least temporarily, to relieve short-term capacity crises that will occur under the best of state programs as enforcement becomes more aggressive and the effects of reuse, recycling and reduction programs begin to be felt. States should have discretion to exempt from imported waste surcharges, waste from contiguous counties or waste management districts in adjoining states. Mutually agreeable arrangements among states for the disposal of waste should be authorized but not made subject to specific congressional approval.

Nonetheless, importing states have the right to expect that unwanted imports will be reduced as quickly as possible. The authority to levy surcharges on imported waste can ease host state burdens and can act as an incentive to exporting states to develop sufficient in-state capacity. Both exporting and importing states have the obligation to enforce against non-complying facilities and aggressively pursue reuse, recycling and reduction programs to the extent practicable.

During a transition period of three years, differential fees charged for accepting out-of-state waste for disposal could be capped. This will prevent states from imposing de facto import bans by setting prohibitively high fees on imported wastes. A formula for a maximum allowable fee should be established by federal law at a multiple of the receiving state's base surcharge on disposal of in-state waste, or a multiple of the highest base surcharge in the exporting state, whichever is greater. Setting differential fees within the allowable fee cap should be at the discretion of the receiving state with no federal involvement.

After the transition period, when states should be well on their way to self-sufficiency, there should be no limitation on the fee charged by one state for accepting another state's waste for disposal.

2. Requirements that all states must develop meaningful and complete solid waste management plans. The States which accept the responsibility for long-term planning and management of their own solid and hazardous waste either alone or in conjunction with another state(s), and which submit as evidence of such acceptance a complete plan which complies with minimum federal requirements established by U.S. EPA (including the imposition of a waste management hierarchy which allows landfilling of waste only as a last resort) should be permitted to immediately limit, restrict and/or regulate the importation of out-of-state solid and hazardous waste unless and until such time as the waste management plan is found incomplete or environmentally deficient by the Administrator of U.S. EPA. We categorically oppose any linkage between U.S. EPA's plan review and the ability to restrict or regulate waste by states which prepare and submit a plan. Import limits or restrictions should be permitted *in addition to* differential fees. States should not be forced to elect between fees or limits, but should be able to strike an appropriate balance. The undersigned would not oppose federal establishment of a ratio to determine *interim* import limits from the date of enactment until such time as a state submits its plan. After submission of a complete plan, however, the states should be given the authority to impose their own import limits.

3. Protection of existing state waste management plans and legislation. Any interstate waste legislation should make full allowance for states which have already legislatively established and which are in the process of implementing state-wide management and planning schemes. The waste management efforts in such states and the strides made by identified and approved waste planning units in such states must not be compromised, hindered, disrupted or destroyed in any way, regardless of whether the existing planning units are the state itself, the counties and municipalities within the state, or some other form of waste management unit or district approved or established in state law. With regard to waste management decisions, we support the striking of a balance between the power of the governors and the power of the municipalities and/or planning units within states. In other words, neither the local district or municipality nor the governor of a state should have the absolute right to veto each other's waste management decisions, except through the application of some predetermined criteria, such as the dependency of the existing local economy on long-standing waste imports, the desirability of maintaining a district import-export balance with neighboring districts and or neighboring states, and the overall compatibility of the district's proposed out-of-district or out-of-state waste receipts on the overall state solid waste management plan and long-term capacity needs. Under any scenario, however, it is imperative that the balance be struck by each state through their individual legislative processes, and that the Reauthorization not result in any intrusion on state autonomy in this important planning issue.

4. Recognition that the police power of the federal government and the states extends to a degree which permits reasonable effects on existing contracts which agreements thwart or do not comport with state and local planning. The supreme interest of the government in enacting laws to protect the health and safety of its citizens must be recognized in federal interstate waste legislation so that any limitation or erosion of the states' ability to effectively plan for long-term waste management is not inappropriately and expressly required to surrender to the interests of industry in preserving the terms and conditions of privately negotiated contracts by and among private parties.

To accomplish the goals set forth in this letter, the undersigned states urge Congress to take advantage of the opportunity presented in the RCRA Reauthorization to address the identified concerns. Your swift action is necessary to allow states to meaningfully manage and control the current solid waste crisis, and to limit the damaging effects of the U.S. Supreme Court's refusal to acknowledge that the nature of waste should preclude its consideration and indiscriminate protection under the Commerce Clause.

Thank you for your consideration.

Sincerely,

LEE FISHER,
Attorney General of Ohio.
ROWLAND W. BURRIS,
Attorney General of Illinois.
LINLEY E. PEARSON,
Attorney General of Indiana.
FRANK J. KELLEY,
Attorney General of Michigan.
JAMES E. DOYLE,
Attorney General of Wisconsin.

Mr. COATS. Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, we are now about to recess for our party conferences, and be back on the bill this afternoon. I very much urge Senators to come quickly to the floor immediately following the party conference lunches and offer amendments so we can dispose of this bill.

This is essentially a simple bill. We are dealing with only the interstate transport of solid waste. It is an issue which, however mundane to some people, is very, very important to many of our States and local communities that are concerned about solid waste landfills.

In many cases there is too little space. In other cases they are being filled up with constituents with which they should not be filled up.

This is not a resource recovery bill, a hazardous waste bill, a clean water bill. It is only interstate transport of solid waste. It is my hope we can dispose of these amendments and pass this bill today. It is my intention, frankly, to stay on this bill tonight until we finish it. That is not to say we will stay on this bill until 10, 11, or 12 tonight, but I would like to finish this bill this evening if at all possible. I think there is a very good chance we can and will. We do not have very many amendments. I am notified of approximately 10 amendments. Some of them are a little more important than some others. The Senator from Indiana has an amendment which may be resolved, frankly, in the next hour or two and a couple others that are somewhat important, and they, too, may be resolved.

So, again, I urge Senators to come forward with their amendments so we can finally pass the interstate transport bill today.

Mr. President, I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, at 12:30 p.m. the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are back on the transport of municipal solid waste bill. I understand that Senator DOLE, the minority leader, wishes to speak. I understand he is on his way now.

In the meantime, my understanding is that most people in our country in most States would like to have some mechanism, some way, to restrict the importation of solid waste into their States. They would like to have some way to stop solid waste from being imported into their States or limited in some way because there is a perception, albeit primarily political, that many States are receiving too much solid waste from other States.

It is true that there is a bit of disparity; that is, some States tend to export a lot more solid waste than other States, and by definition some other States import a lot more solid waste than some other States. The tendency is for the highly popular States in the East, which are high population density States which are fairly small in geographic area compared to Western States, to export solid waste to Western States that are larger in area and have less population density. There is that tendency.

I must remind the Senate, however, that virtually every State either imports or exports solid waste. Forty-two States export solid waste. I think 43 States import solid waste. So almost every State in the Union is involved in either the importation or the exportation of solid waste.

My point is very simple. We are now here considering this bill. There is a portion of the Resource Conservation Recovery Act that the Environment and Public Works Committee reported out just 2 months ago. That bill is a larger bill that included not only the provisions that are before the Senate at the moment—that is, the import transport provisions—but also included other provisions in the reauthorization of the Resource Conservation Recovery Act which would go to the problem of waste disposal, and the problem that States have insofar as there is not the land and room to dispose of the waste as there has been in prior years.

Those other provisions in the bill essentially would encourage companies to produce less waste in the first place. We Americans throw out about 4.5 pounds of waste in our garbage per person, per day. That is far more than the per person number of any other country in the world. One reason we do is because we produce a lot of waste. America is essentially a throwaway society compared with other countries. To encourage less production of waste, the bill that was reported out of the Environment and Public Works Committee included provisions to give incentives to the companies to produce less waste in the first place.

Second, there were very significant provisions in the bill reported out of our committee to encourage more recycling. We Americans can do a much better job recycling paper, newsprint, glass bottles, other packaging materials, aluminum cans. We do a pretty good job with aluminum. That is because the cost of producing aluminum in its virgin stage is much more expensive than the cost of recycling aluminum cans. But the point is we can do a lot better job recycling.

Unfortunately, those provisions are not now before us; that is, the provisions that encourage less production of waste in the first place, and provisions to encourage a lot more recycling.

Why are they not now before us? Very simply, they are not now before us because the environmental community thought the bill would not go far enough. They wanted much, much more, many more incentives to recycle a lot more. The goals in our bill were essentially to save for the glass industry, for the plastics industry, and for the paper industry, approximately 40-percent recovery rate by the year 1995, and the environmental community said no, that is not enough; we should go much further.

Business in America, the industries in our country, have also opposed the bill because they thought it went too far.

With so few days remaining in this Congress, it is my judgment to bring not those provisions to the floor, but rather only the interstate transport provisions, so that States could have the authority in some way—and in a significant way, I might add—to restrict the imports of solid waste to their own States.

This is so important because recent Supreme Court decisions this year—in fact, a couple of months ago—have held that States, absent express provision by Congress, absent express delegation of authority by the Congress, cannot on their own restrict the importation of solid waste into their own States. The commerce clause precludes that.

Therefore, we here today, pursuant to the authority of the U.S. Constitution and the commerce clause of the Constitution, giving States the authority under certain circumstances to limit the importation of waste into their States—I need not remind Senators that if they are interested in getting this bill passed, if they want to give their Governors, their local municipalities, the authority, in many instances, to restrict importation of solid waste, this bill must pass.

If this bill does not pass, the Supreme Court has held very clearly—and there is no dispute on this—that Governors, States, municipalities, counties, whatever, cannot restrict the importation of solid waste into their States.

So I am saying, as clearly as I can, that the more we load up this bill with all kinds of other amendments, and in many other areas, the less likely it is that this bill is going to pass. There are not that many days left in this Congress. We have to go to conference after we pass this bill. And if it gets loaded up in conference—and with the press of appropriations bills and the Freedom of Choice Act coming up, and what not—it may be difficult for this legislation to pass.

I encourage Senators to remember that Rome was not built in a day. We sometimes have to take things a step at a time. Senators who are interested in addressing hazardous waste provisions, Senators who are interested in addressing other related areas, I ask them to think twice before offering amendments. Those subjects can be addressed at a subsequent time next year, and by and large need not be addressed this year.

But if we want to give States the authority to restrict the importation of waste, I urge them to again not offer too many amendments on this bill so we can get it passed this year.

Finally, with the same theme, a lot of the American public is quite disgusted with the political process. Their disgust partly explains the ascendancy of Ross Perot. It is only explained by Ross Perot. I do not think anybody else can explain that. He was a Presidential candidate for some time because of the frustration of the American people with the political process. They just do not think it works very well. They are worried about gridlock. And we must admit that, in many respects, they are right. There is and has been gridlock, for all kinds of reasons.

Here it is, July 1992, in the remaining legislative days of this Congress, we in the Senate can show the people that we can do our business; we can meet people's needs. I grant you that in the whole scheme of things, issues such as education reform, jobs, and health care reform, are many areas that are probably higher on most people's minds, much more important than the importation of solid waste. But we also know that in some communities, in a localized way, this is a very burning issue.

So I urge the Senate to at least get this job done, and let us at least show to people that we can give States and municipalities the authority to restrict the importation of solid waste into their States. And we can do so if we refrain and exercise a little discipline; if we do not just jump on this bill with every amendment under the Sun; and if they are offered, then we vote them down so we can get this bill passed and give the States this authority.

Mr. President, I urge Senators to come to the floor with amendments. This is the second day we have been on this bill. Not one amendment has yet been offered.

I must say, Mr. President, that there may come a time, either this evening

or tomorrow, after giving notice of maybe a couple of hours to Senators that they should come to the floor with amendments, that if no amendments come to the floor, I will ask for third reading.

I think that most Senators believe that too often we are a little too deferential to Senators, and we wait a little too long, and we go too many extra miles waiting for Senators to come to the floor and offer amendments.

I am one Senator, as manager of this bill, who will push for earlier—rather than later—third reading of this bill because, frankly, I think that after giving appropriate notice to Senators to come to the floor with their amendments, if they still do not come with them, we are doing the Senate and the Congress and the public proper service by going to third reading and getting this bill passed.

I yield the floor.

Mr. CHAFEE. Mr. President, I want to join in the distinguished floor manager's plea on several fronts. First, for those who have amendments, bring them over. Second, that we not have nongermane amendments; that is, amendments that are not pertinent to the interstate transportation of municipal waste, namely trash or garbage.

I believe very strongly that we should not have any amendments that do not deal with that particular subject. Indeed, I will oppose them all, as the floor manager has himself indicated, because otherwise we are going to get bogged down.

We have a major Resource, Conservation, and Recovery Act amendment legislation that we have reported out of the Environment Committee, and that will get to the floor either this year or next year. We will revise it in committee and bring it back. It will get to the floor eventually. And that is where we ought to consider amendments that deal with the subject of RCRA.

The only subject before us today is the matter of interstate transportation of municipal waste. So let us get on with that. If people have amendments, bring them over and let us vote them up or down.

Meanwhile, I hope that these negotiations involving the so-called Coats amendment can be brought to successful fruition. If those negotiations work out, I think we can finish this piece of legislation before dinner tonight—before 5, 6, or maybe 7 o'clock.

So I urge those Senators who have legislation that is pertinent to the underlying bill to bring it over and let us vote up or down on it.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. The leader time was reserved.

The Senator from Kansas, the Republican leader, is recognized.

THE CLINTON-GORE TICKET

Mr. DOLE. Mr. President, as the Clinton-Gore bus tour continues to motor across America, it appears some journalists cannot see through all the exhaust, and some must have been overcome by fumes. But behind the so-called moderate motor coach smokescreen of the Clinton-Gore spin doctors are some very important facts—the outright liberalism of the Democrat ticket, the liberalism reflected in the RECORD if not on the pages of most American newspapers and most television commentary.

So far, it looks like a media blackout on the liberal records of these two candidates. And when the Democrat convention turned out to be a ratings bomb, at least one network immediately cranked up its censorship machine, claiming that Republicans may have to settle for even less coverage than the Democrats at our Houston convention.

So, while Republicans can look forward to even less coverage—something we are used to up here—the media boys on the bus are booming out the happy message: "Clinton-Gore—a moderate, centrist, middle-of-the-road, conservative, traditional all-American ticket."

With hype like that, the Clinton-Gore team will not have to spend a penny on TV commercials—that is a pretty nice perk.

It is all coming free, from the liberal commentators on network news, on all the liberal newspapers and radio, saying what a moderate, conservative, centrist ticket this is.

In fact, I must say when we spoke to this yesterday there must have been a blackout or maybe the news media outlets were all closed yesterday because it does not seem to make any difference. You cannot make a responsible critique of the Democratic plan and expect any coverage from the liberal media.

LIBERAL MAKEOVERS

But no matter how many times they call themselves moderate, no matter how many times reporters swoon over the Clinton-Gore moderate makeover, the Clinton-Gore ticket is still a big liberal ticket, a ticket the American people simply can't afford.

And because the media blackout is still in effect when it comes to the records of Bill Clinton and AL GORE, I want to underscore the facts by repeating much of what I said yesterday, adding disturbing new statistics about Bill Clinton's tenure as Governor of Arkansas, facts people in 49 other States ought to know about.

Clinton-Gore is a liberal ticket that will cost working America dearly, with billions and billions of dollars in new taxes, wild spending and the biggest government the taxpayers' money can buy.

That is why the Democrats turned Madison Square Garden into a giant repair shop where old, broken-down liberals became shiny new moderates, and where a tired old agenda became a fresh new covenant.

But all the body work, and all the makeup in the world cannot conceal a voting record. It is public information. It is out there. All you have to do is look it up.

Let us face it, Clinton-Gore is really Clinton-more—M-O-R-E: More taxes, more spending, more government, and more of the failed liberal agenda the American people have rejected year after year.

Bill Clinton calls for tax increases twice as big as those proposed by Mondale and Dukakis combined. And Clinton backs Federal spending increases three times as large as those proposed by Mondale and Dukakis combined.

Governor Clinton calls his own budget proposal "putting people first," but it looks more like putting people on the unemployment line. The Clinton plan would jack up taxes $150 billion in 4 years, and boost spending by $220 billion. Now, Governor Clinton and his handlers will tell you that their taxes are aimed at the fat cats on Wall Street, but they are really hitting the little guy on main street. Let me tell you why.

You see, the Clinton tax plan mandates nearly $70 billion in new payroll and employer taxes on small- and medium-size business to fund extravagant spending programs.

That is small business, that is small businessmen and small businesswomen in every State in the Nation. Including Arkansas and Tennessee.

Reportedly, his new taxes and radical defense cuts would cost working and earning America 2½ million jobs.

So, let us look at the record, starting with Bill Clinton's tenure as Governor of Arkansas.

First, Bill Clinton has raised taxes or fees 128 times.

Second, taxes in Arkansas are $397 million higher on an annual basis than when Clinton took office.

Third, State spending has more than doubled since 1983, jumping from $1.1 billion in 1983 to $2.4 billion in 1992.

Fourth, Clinton has doubled the State's debt burden since 1983.

Fifth, since that time, the unemployment rate has remained above the national average, and personal income in Arkansas grew slower than the national average every year but one.

Sixth, Clinton has created the biggest bureaucracy Arkansas taxpayers

can buy. Arkansas has 70 percent more State government employees per resident than New York. And they have a lot.

So, now we know all about taxes and spending. But what does Bill Clinton have in mind for cutting spending?

As for spending cuts, Governor Clinton has specifically targeted only 2 programs out of 1,800 Government accounts—the Pentagon, which is already being sensibly downsized, and the Honey Bee Program. In a still uncertain world, Governor Clinton would gut national defense by nearly $60 billion—that is on top of the $50 billion in defense savings already proposed by President Bush, and above what the Democrat chairmen of the Senate and House Armed Services Committees say they can support.

And ask the more than 1 million service men and women, and defense workers, who would be thrown out on the street by these radical cuts, and they will tell you gutting—not cutting—defense hardly puts people first.

Governor Clinton even proposes to save $10 billion with the line-item veto. I am all for the line-item veto—it is too bad Governor Clinton's allies in Congress, and his own running mate, are not.

Governor Clinton must be assuming that the American people will elect Republican majorities in both Houses of Congress, Republican majorities that are dedicated to deficit fighting tools like the line-item veto and the balanced budget amendment.

But, do not take my word for it. Ask the distinguished chairman of the House Budget Committee, who told the Washington Post that Clinton "doesn't frankly confront the issue of how we reduce the budget deficit. * * * I don't see how he can take the level of revenues he's talking about or the spending cuts he's talking about, or the spending cuts he targeted, and simply pump all that into added spending." That is not a quote from BOB DOLE from Kansas, a Republican, or PETE DOMENICI, ranking Republican on the Budget Committee; that is a quote from the Democratic chairman of the House Budget Committee, a well respected chairman named LEON PANETTA.

So here we are, more taxes, more spending, and fewer jobs do not sound like putting people first—it all sounds like putting America down.

The bottom line is, Bill Clinton wants the American people to believe that he is driving them down the middle-of-the-road. But look at his map—the Democratic platform—and the American people will see there is a sharp turn to the left coming.

It is the same old left turn to its traditional leftwing, out-of-touch, special interest agenda: It is antibusiness, antifamily, antidefense, antijobs, antigrowth, and antisuccess.

That is why the democratic delegates soundly defeated the pro-business, pro-growth planks forwarded by Paul Tsongas supporters, planks described by the New York Times as minority planks. I thought they were pretty good ideas. The bottomline is still the same: If it is not liberal, forget it, just as the New York Times does in nearly every case.

But do not take my word. Again, I will quote another Democrat. Listen to our former colleague George McGovern, a dedicated liberal who knows one when he sees one, and this is how he sees Clinton-Gore: "I have a hunch they are much more liberal underneath, and they will prove it once they are elected."

That did not come from this Senator. It did not come from any other Senator. It came from a former colleague who ran for President in 1972, a professed, proud liberal by the name of George McGovern.

Now, the media can label the Democrat ticket moderate all they want, but how long can they ignore the record?

While the moderates were voting yes, Bill Clinton's running mate was voting against the Reagan budget cuts, the Reagan tax cuts, the balanced budget amendment, the line-item veto, the capital gains tax cut, entitlement spending caps and cutting the *Seawolf* submarine.

While the moderates were voting yes, Bill Clinton's running mate was voting against tough anticrime measures such as habeas corpus reform and exclusionary rule reform.

While the moderates were voting yes, Bill Clinton's running mate was voting against education choice, workfare, the flag amendment, school prayer, AIDS notification by infected doctors, and consideration of the national energy policy.

And, while the liberals were voting yes, Bill Clinton's running mate was right there, too, voting for the Democrats' tax increase bill, the Democrats' quota bill, taxpayer campaign funding, and Pell grants to prisoners.

So if you look at the record of the Democrat ticket, they have already proved they are first-class liberal credentials. There is nothing wrong with that, nothing wrong with that. If you want to be a liberal, that is fine, so long as you stand by that voting record and not run from it when it is time to get elected.

So let us have a little truth in advertising. Let us have a vigorous debate on these issues. I have heard President Bush browbeaten, bashed by people in this body because President Bush has a record. Well, now the ticket has a record, and their record is going to be discussed and subjected to critique just as President Bush's record has been.

So let us have a little truth in advertising. Let us have a vigorous debate on the issues and let the American people decide, but let us make certain they have the facts and not the fakes.

Mr. President, I made a statement pretty much like this yesterday and because of the news blackout—apparently the media was closed yesterday; I did not know they were not open on Mondays—I felt compelled to make it again today, and I may make it again tomorrow because the media has already proclaimed this is a moderate, centrist, and conservative ticket. They cannot sell that to the American people, they cannot sell that to people in Arkansas, Washington, or Kansas, or any other State because if people are going to demand a man of Ross Perot, what do you really believe?

Like I said yesterday, I enjoyed the convention. The Democrats had a good convention. I personally like the ticket. I like my colleague from Tennessee. We do not often agree on many issues, but facts are facts. We are not dealing with who had a good convention, who made a lot of noise. We are talking about what is good for America and what is good policy for America.

Hopefully, this blackout by the media will end, maybe in the next 30 days. Maybe the media will decide to report something about philosophy, where are they going to take America, not what they say they are, but what does their record reflect they are? That is what it is all about.

So I hope in the next few seeks we will have this debate. There is no hesitance on the part of my colleagues on the other side to jump all over President Bush to dissect everything he does, and I think now it is time to start taking a look at the record on the other side.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. I was not planning to participate this afternoon in this discussion, but I must say I was sitting in my office, Mr. President, and I heard my very good friend, the distinguished Republican leader from Kansas, who was on the floor who was berating the Governor of Arkansas, my home State's Governor, and saying some things about that Governor that I feel need to be challenged.

Mr. President, first, last week in New York, I looked at a newsstand and happened to see on that particular newsstand a copy of U.S. News & World Report. I do not have that copy with me today, but I carried it with me last week because the cover of U.S. News & World Report last week in that issue had a picture of Gov. Bill Clinton of Arkansas on the front cover, and the caption was: "Is Bill Clinton the Man Nobody Knows?"

Mr. President, I am privileged to know Bill Clinton. I have known Bill Clinton since he was 19 years of age. The first time I ever had the opportunity to shake his hand was in 1966. I will never forget the scene. It was in front of the Arkadelphia, AR, fire sta-

tion. It was a hot afternoon in July when a young student named Bill Clinton was standing in front of this fire station in Arkadelphia, AR, handing out campaign cards for a gentleman that he thought should become Governor of our State.

That individual who he campaigned for, Mr. President, was not elected. Someone else was elected. But I had the privilege that afternoon of shaking his hand as I was handing out campaign cards for myself. I was running for the U.S. Congress that summer. In fact, little did I know but I would soon be joining in the House of Representatives the very distinguished occupant of the chair at this moment of the U.S. Senate, the distinguished Senator from Washington.

Mr. President, after shaking Bill Clinton's hand, visiting with him a few moments, I got back in our car. My wife and I were driving to the next campaign stop, looking for the next hand to shake, and I said, "Barbara, I have just met an outstanding, an outstanding young man."

Throughout those years, Mr. President, our paths have crossed on many, many occasions. I have had the privilege of knowing him, knowing his family, and I can truthfully say, that on last Thursday evening sitting in Madison Square Garden, I do not think anyone could have been more happier than myself, nor the delegates from the State of Arkansas who were there, nor the people of the State of Arkansas who were sharing this euphoric moment watching it on the television sets or listening on their radios back home. It was a special moment for our State, a small State, a poor State, 2.4 million people. And as we say, a State, Mr. President, where the people know the politicians by first name and the politicians know the people by their first names. We basically sort of know each other in the State.

And especially, Mr. President, the people of Arkansas know our present Governor, who has been on the Arkansas ballot on 17 different occasions—17 different occasions. The people of Arkansas know our Governor, Mr. President. They know our Governor, and they keep returning our Governor to office. In fact, he has not only served our State now longer than any other Governor in our history, but, Mr. President, he was voted a year-and-a-half ago by his fellow Governors, Republican Governors and Democratic Governors alike, as the most effective Governor in the United States of America—the most effective Governor in the United States of America. Not just Democratic Governors, but Republican Governors joined together in that selection.

You and I know, Mr. President, what is happening. The Democrats had a very good convention. Our party left that convention more united, more together, more unified than at any other time in this Senator's life. Mr. President, when we left New York, the Republican Party said, "We've got to do something, and if we don't, we're getting ready to see the White House taken over by the Democrats."

So they started yesterday: My friend from New Mexico came to the floor yesterday. It was his time in the box. Our friend from Kansas comes again today to some degree to repeat what he said yesterday. At 3 o'clock this afternoon, Mr. President, that is 2 minutes from now, it is my understanding that the distinguished Senator from Texas, the junior Senator, is going to be holding a press conference and he is going to be adding his 2 cents' worth about the so-called Clinton economic plan.

Mr. President, I am wondering why we do not have someone from that side of the aisle, anyone from that side of the aisle, talking about Mr. Bush's economic plan. I will be glad to stand here and explain to my colleagues on the other side of the aisle, should they so desire to hear it, about the 12 times—12 times—that I have seen Governor Clinton balance the budget in Arkansas, and about the zero times that we have seen President Bush balance the budget in Washington, DC. I will be glad to discuss the records, Mr. President, of these two executives, one of the richest nations in the world, and one of the executives of one of the poorest States in America.

I know that my colleague and friend from Kansas talked about all of the times that Governor Clinton has raised taxes on the people of Arkansas. I think it might be well stated at this time, Mr. President, just to remember that the tax burden of the State of Arkansas—maybe this is good, maybe it is bad, I do not know, but the facts are: The tax burden on the people of the State of Arkansas is the second-lowest in the United States. That is not what I would call a wild, liberal tax-and-spend politician; the second-lowest taxes in the United States of all the States is the State of Arkansas.

Maybe we need to pay more taxes. Maybe we need to pay fewer taxes. I do not know. But I think it is time that we set the record straight and that we talk about the facts. I would like to serve notice that when our colleagues on the other side of the aisle get up here and talk about issues that are not fact, maybe they do not have all the facts, but when these facts are not forthcoming, I am going to stand here and I hope I will be joined by my colleagues to straighten out the record, and that is exactly what I am doing today.

Mr. President, we have talked from this side of the aisle also a little bit today about jobs, economic growth in our State of Arkansas—once again, a small State, a poor State. But while George Bush has taken the world's richest nation and we have seen what has happened to its economy, Mr. President, Governor Clinton has created manufacturing jobs at 10 times, 10 times the national rate. Arkansas, in fact, today, Mr. President, once again to straighten out the record—let us talk about the record—ranks fifth nationally in job creation under the stewardship of Gov. Bill Clinton.

Now, Mr. President, I hope this does not go on every day from now until the election. I hope that we do not have to come here and make the Senate Chamber a forum for debate of the Presidential election, 1992. I hope that forum is going to be somewhere else. I hope it is going to be out there in Kansas or in Rhode Island or in Arkansas or in Montana or in Washington State. That is where it should be. But when the record is not presented fairly, when the record is a record that does not exist, Mr. President, I am going to stand here and try my best to straighten it out and make certain that the facts are known.

Mr. President, I want to thank the Chair for recognizing me, and I believe the Senator from Kansas—does he have a question? I will yield the floor, Mr. President.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator yields the floor. The Senator from Kansas is recognized.

Mr. DOLE. I ask that I may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator is recognized for 5 minutes.

Mr. DOLE. First I want to indicate, as I have many times on the floor, my respect for the Senator from Arkansas. I want to also indicate I never had any personal thing bad about Governor Clinton or AL GORE. They are friends of mine, as far as I know. But I think we are talking about philosophy and policy for America.

I must say I have not noted any reluctance from my colleagues on that side jumping on George Bush for the past 4 years. If we are going to have a time out now because the Senator has a candidate, and we have had a candidate, and you will not talk anymore about George Bush, I hope the Senator will notify his colleagues not to come to the floor as they have done for almost 4 years, the last 2½ particularly, in the last 6 months specifically, day after day after day after day with distortions and inaccurate statements about President Bush.

Now, the fact that he balanced the budget in Arkansas, it is required by law, and I point out he has an overwhelming majority in the legislature. Democrats control both the House and Senate in Arkansas. George Bush has a Congress controlled by Democrats. If he had a Republican Congress, he would balance the budget, too. So we can play all those games.

And we also have a growth package. I am glad the Senator from Arkansas brought it up; we might pass it right after we finish the bill that is pending: First-time home buyers tax credit, penalty-free IRA withdrawals, capital gains rate reduction, investment tax allowance, pension fund, real estate investment, passive loss relief, simplify AMT depreciation. So we have had a growth package around for a long time. Unfortunately, we cannot get the Democrats, who control the Congress, to bring it up.

So, having said all that, I think we are going to have a lot of debate on the floor. I do not disagree with the Senator from Arkansas. If we say something that is not true, you ought to be right down our throat. And the same goes the other way. If somebody is over there pounding on George Bush and they cannot back it up with facts, then we ought to be permitted to do the same thing.

Now, the press has already decided that the Democratic ticket is the greatest ticket since sliced bread, and they have already proclaimed they are moderates, out there cheerleading for the Democratic ticket. I do not know what else the Senator from Arkansas can ask for.

We have a regular blackout for George Bush. Unless it is negative, he does not make the news, and nobody makes the news on his behalf. If the Senator from Arkansas said something bad about George Bush, he would be on the evening news. If you defend George Bush, that is not news. So there is sort of a double standard in the media and we understand that. But the American people see through it.

So I just say I can talk about the Clinton nomination and all those things and about the record in Arkansas, and certainly I do not know it as well as the distinguished Senator from Arkansas and I do not mean to suggest that it is all bad. I assume every State has problems. But I think philosophically we have a liberal ticket and a conservative ticket. We may debate that every day on the floor if we can get the time. So I thank my colleague from Arkansas. Certainly I have the highest regard for him. I think it is fine. I think he can talk about his liberal ticket, and we will talk about our conservative ticket, and we will let the American voters decide in November which ticket ought to be elected.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, I see my good friend from Arkansas on the floor and I would like to ask him a couple questions if I might.

I would like to harken back to the statement he made that Governor Clinton deserves considerable praise because he has submitted 11 consecutive balanced budgets. Am I correct in believing, as is true in every State, certainly in my State—like the distinguished Senator from Arkansas, I was a Governor likewise for 6 years. I believe he was Governor for 6 years, was he?

Mr. PRYOR. Four.

Mr. CHAFEE. Four. In our State we must submit a balanced budget. Is that true in Arkansas?

Mr. PRYOR. This is true. It is true, I say to my friend from Rhode Island. It is a constitutional requirement that we have a balanced budget.

Mr. CHAFEE. So to praise somebody for submitting a balanced budget in Arkansas is the faintest praise I have ever heard. That is no news. That is dog bites man. I think what would make news in Arkansas is man bites dog; the Governor does not submit a balanced budget. Would I be correct in suggesting that would really make the news?

Mr. PRYOR. Mr. President, may I respond to the distinguished Senator from Rhode Island?

Mr. President, my very good friend from Rhode Island—by the way, we exchanged notes today, very illuminating notes while we were sitting there in the Finance Committee, about some of these issues at hand that we are debating this afternoon on the floor. But my very good friend from Rhode Island apparently missed the opportunity a moment ago when he was not on the floor to receive the full impact of what I was saying.

The implication of what I was saying, Mr. President, is very simply this: This man, Gov. Bill Clinton, has balanced 12 budgets and he still gets reelected year after year. He has been on the ballot 17 times. He has had to establish priority. He has had to establish in our State what is most important and what is least important. He has had to say no to a lot of people and he has had to say no many times to every interest group at least once in our State. And they still support him, Mr. President. They still support him because he is fair, because he is honest, and because he does his work. That is what this campaign I think is going to be about. He has demonstrated his abilities as an executive and his capabilities, I should say, as a splendid chief executive of our State.

Mr. CHAFEE. Mr. President, I do not want to take anything away from the record of Governor Clinton. I must say there must be considerable joy in running in what amounts to a one-party State. If I am incorrect, I would be glad to be corrected by the distinguished Senator from Arkansas. But I believe there has only been a Republican Governor for 4 years since the reconstruction time, since over 100 years ago. Would I be correct in making that statement?

Mr. PRYOR. The Senator from Rhode Island is 80 percent correct. We had a period of time of 2 years there when a very fine man named Frank White was elected Governor of our State. He was elected in 1980.

And the people turned him out 2 years later and reelected Governor Clinton. This is when, by the way—I say to my friend from Rhode Island—that Arkansas Governors had a 2-year term and had to stand for reelection every 2 years. If I am not mistaken, I think Rhode Island still has this.

Mr. CHAFEE. That is right. I served with the other prior Republican Governor, who I believe served 4 years. That would be Gov. Winthrop Rockefeller.

I would like to also point out something that the Senator from Arkansas perhaps might be interested in sharing with us. If I am incorrect, I would be glad to hear it.

Of course, what makes Governor Clinton submit balanced budgets, as the Senator from Arkansas says, is because it is in the constitution. Just before we went out for recess, once again, the Republicans tried to have a balanced budget amendment presented here. And if I am not mistaken, the Senator from Arkansas voted against that balanced budget amendment. And so did his colleague, also another former Governor of Arkansas.

So there we made an effort to require a balanced budget. Indeed, we had two consecutive votes. We had one on June 30, and we had one on July 2, just before we went out. Both times, both Senators from Arkansas voted against that balanced budget amendment, which seems strange in view of the fact that considerable praise has been heaped upon Governor Clinton because he produced balanced budgets pursuant to the Constitution of the State of Arkansas.

So we have sought balanced budget amendments here, but have not received the support of the majority of the Democrats, the overwhelming majority of the Democrats.

Mr. PRYOR. Mr. President, I do not want to stand here and debate this afternoon for or against a balanced budget amendment. That will come at another time, perhaps.

But I would like to tell my friend—if I might—from Rhode Island about the first Republican I ever saw in my hometown of Camden, AR. On that day, I was probably 7 or 8 years old. I went to the post office with my father, and he allowed me to open the combination lock on the box every now and then. We got the mail out. There was a gentleman standing in the corner of the little post office in a black suit and a black hat. I kept looking at this gentleman. He was a very tall fellow.

I said, "Dad, who is that?"

He said, "Son, that is all right; you do not want to know."

And I said, "Well, tell me about that man, Dad."

He said, "Well, his name is Skidmore Willis."

I said, "Who is Mr. Willis? What does he do?"

He said, "Son, he is a Republican, and he is the only one in our county."

And he was truly the only Republican that we had in Washington County at that time. There have been some since then, I might add. But I get along fine with the Republicans, Mr. President. Sometimes they vote for me; oftentimes they do back home. We are good friends with most of them.

But it is just time that the Democrats had the White House for awhile. That is what this great campaign is going to be about in 1992.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, for the past 2 days, it seems the Republican leader has taken the floor to launch attacks on Governor Clinton and Senator GORE. It appears as though, while Governor Clinton and Senator GORE are conducting their campaign for the Presidency across America, meeting citizens and taking their case to them, the Republican campaign is going to be conducted here in the Senate.

I hope that is not the case. The Senate has its responsibilities for action. We have a limited time in which to act on important legislative matters. And I think, frankly, that these back-and-forth charges and countercharges and bickering is precisely what the American people are sick of.

I think what the American people would like is for us to address ourselves to the problems confronting them and our society, and I hope that is what we are going to do.

Obviously, if our Republican colleagues choose to conduct Presidential campaigns here in the Senate Chamber, we will have no choice but to respond. And the business of the Nation will have to take a back seat again.

I urge my colleagues to join with us in attempting to get on with meeting our public responsibilities in attempting to enact legislation that affects the lives of the American people and that, in some way, will approve the well-being of the people of our society. That is our principal obligation. It is what we have each sworn an oath to do.

I hope that we can now return to the business before the Senate, and permit the candidates for President to conduct their campaigns out among the American people, where Governor Clinton and Senator GORE are today and have been for the past several days.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with consideration of the bill.

Mr. COATS. May I inquire what the current pending business is of the Senate, Mr. President?

The PRESIDING OFFICER. The pending business is S. 2877.

AMENDMENT NO. 2731

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2731.

Mr. COATS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 3, strike line 24 and all that follows through page 4, line 18 and insert in lieu thereof:

"(ii) a written, legally binding contract for disposal of municipal waste generated outside the jurisdiction of the affected local government that is consistent with, and was lawfully entered into after June 18, 1992, as the result of—

"(I) a host agreement; or

"(II) a written, legally binding, contract that was lawfully entered into by the affected local government and authorizes a landfill or incinerator to receive municipal waste generated outside the jurisdiction of the affected local government.

"(D) A Governor may require that contracts covered by (i) or (ii) of subparagraph (C) of this paragraph be filed with the State."

Mr. COATS. Mr. President, the subject of this amendment is the subject we have been discussing here for the last several hours on the Senate floor. The bill before us, Senate bill 2877, moves us a substantial way toward dealing with a critical national problem that is growing, it seems, almost every day, and that is the unwanted flow of interstate trash into States which either do not have the capacity to receive it or the will to receive it.

We have worked in a bipartisan fashion through the legislative process to create legislation which would effectively give States the authority to control their own borders. I commend those who have supported us in this effort.

However, as I indicated last evening and earlier today, there is a provision in the language as the bill currently exists that offers a loophole which is unacceptable to States that are importing trash, and we would like to clarify that.

This particular amendment, which I have offered, strikes subsection 2 of the section which deals with exemptions to the Governors' or the States' authorities to exercise jurisdiction over and control over the flow of out-of-State trash.

We have had extensive discussions on this amendment with Members on both sides of the aisle. We had hoped to be able to resolve this issue without offering the amendment and debating it. We were not able to do so. And it is therefore, with that, that I offer this particular amendment.

Mr. President, the amendment before us strikes the exemption that would exclude authority of the States to apply remedies under this bill to preexisting contracts as of the date of introduction of this bill between private parties.

While the entire intent of the bill is to give those on the receiving end of out-of-State waste a say in the terms, in the conditions under which they will accept that waste—that is the purpose, the fundamental purpose of the legislation—without striking the provision that denies that authority in the case of preexisting private contracts, we create a situation whereby in most receiving States, if not all, I believe that little or no change will be made in the status quo.

The status quo is the flow of unwanted solid waste, trash, garbage, however you define it, from one State to another without the receiving State having any authority to limit it in its own best interest.

Striking that is important to preserve the integrity of the legislation, and that is what this amendment tries to do.

AMENDMENT NO. 2732 TO AMENDMENT NO. 2731

Mr. CHAFEE. Mr. President, I send to the desk an unprinted second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 2732 to Amendment No. 2731.

At the end of the Coats amendment add the following new text:

"(E) Nothing in this Act shall be construed as encouraging the abrogation of written, legally binding contracts for disposal of municipal waste generated outside the jurisdiction of the affected local government that were in effect on June 18, 1992. The validity of any action by a Governor which would result in the violation of or failure to perform any provision of such contracts shall be determined under applicable State law.".

Mr. CHAFEE. Mr. President, what this second-degree amendment does is narrow down the prior amendment, and, indeed, the purpose of it is really to stress that Governors, acting under the basic legislation which is before us, namely, S. 2877—any of their actions are still subject to the State law and, of course, to any existing constitutions, be they State constitutions or the Federal Constitution, which, of course, would prevail in any instance. But it makes it clear that we are turning, as far as this particular section goes, the power of the Governor in con-

nection with these contracts to the status quo, namely, the situation as it currently exists in the Nation today.

Mr. COATS. Mr. President, I would just explain to our colleagues that the amendments now before us essentially are designed to accomplish the same purpose. The second-degree amendment offered by Senator CHAFEE simply clarifies the first-degree amendment that I offered by indicating that striking this section from the bill in no way abrogates the legal authority of a contract, if that contract is upheld by State law. The second-degree amendment simply clarifies the intent of my original amendment by stating that nothing in the act shall be construed as encouraging the abrogation of contracts as long as they are written and legally binding for the disposal of municipal waste generated outside the jurisdiction. The validity of any action by a Governor which would result in the violation of a failure to perform any provision of such contract will be determined under applicable State law.

That is the situation as it exists today, and we wanted to clarify the fact that we are not taking away that authority. That authority that currently exists within the States today obviously will remain, as will authority that is available under Federal law.

I spoke earlier to this, and I will try to summarize and be brief relative to this whole question of impairment of contracts. It is clear, No. 1, that impairment of contracts is not an absolute right as interpreted by the Supreme Court. I cited a number of pertinent cases to that effect. I have indicated that the language in no way diminishes the constitutional protection of contracts. I have also indicated that this amendment in no way creates a new precedent.

Congress has enacted a whole series of laws that affect existing contracts, which the courts have upheld as long as it is done under the legitimate authority of State to limit by statute the application of certain private contracts. In fact, the leading authority on contract has stated that when a statute prohibits the doing of certain things, a contract to do those things is illegal, not because the statute makes it so but because it is deemed to be contrary to public policy to enforce the contract, since to enforce it would tend to encourage violations of the statute.

I have indicated that allowing this section 2 to remain, that is exempt it from the Governor's authority, simply creates a loophole which will allow for option contracts without binding restraints; it allows for amendments to contracts; it would allow for renewals of contracts which would allow for increased volumes and no termination date and allow for contracts that include overstated or understated or even unstated waste amounts.

For example, if a term of contract called for twice the volume of waste than actually received, the Governor's authority to freeze at current levels would be meaningless. There is no ability for States currently to determine what contracts now exist and what the terms are of those contracts. Therefore, it is impossible to determine just how large a loophole that is, but because there is no requirement that these contracts be made public, those contracts that currently exist are unknown to various State authorities.

What we have found and learned about contracts that currently exist is disturbing. The State of Pennsylvania has indicated that it has knowledge of contracts that were purposely written for volumes that were greater than the landfill's entire capacity to ensure that reasonable ceilings of volumes would ever be imposed. It has also been determined that some contracts are valid for 25 years. So those who say this is no problem, these contracts will expire in a year or two, that is not true. They either have long-term terms or they have renewal clauses which would allow an almost indefinite extension of the contract.

Many contracts have no caps on volumes and they have codified them allowing for unlimited extensions. I have a copy of an agreement between two private companies entered into in 1989. The agreement was for a term of 5 years and for an amount of 6,000 tons per week. That is, we will ship to you from one State to another 6,000 tons per week for a period of 5 years. However, 1 month after this original agreement was signed, the agreement was amended. It was amended by the landfill owner as allowable under the terms of the contract.

So a loosely written contract was entered into in July. In August the contrast was amended under the terms of the contract. It took a two-paragraph letter from the landfill owner to amend this because that complied with the loose terms of the contract in terms of amending. And the terms were amended from 5 years to "whatever period of time you need," and the volume was amended from 6,000 tons per week to 3,500 tons per day.

That is an example of why it is necessary to strike the provision which exempts any Governor's authority from affecting private contracts. If this contract is representative and I do not know whether it is or is not because we have no way of knowing, but if this contract is representative in any way whatsoever, it is obviously clear why this amendment needs to be adopted or the entire effect of the bill is gutted.

I want my colleagues to fully understand that this amendment is critical to this legislation. It is not possible to go home and tell your Governor, attorneys general, or the people of your State that you have in fact supported an effort that will give the State the ability to sit at the negotiating table in terms of what waste is received from interstate, or give the State the ability to limit in any way the amount of trash flowing from one State to another, unless this amendment is approved.

If it is not approved, it is quite clear to me and I think it will be quite clear to everyone who looks at this, that the trash will keep flowing, that this loophole is big enough to drive 100 trash trucks through on a daily basis.

So the Coats amendment, as seconded by Senator CHAFEE from Rhode Island, is absolutely critical to the effect of this bill. If this amendment is defeated the bill is virtually of no effect and will not deal with the problem that brought us here in the first place.

So, Members need to know that unless this change is made, the bill, essentially the provisions of the bill, will be gutted.

It is important to realize that most private contractors and contractees have anticipated congressional action on this matter. It is no secret for anybody that watches NBC, ABC, "CBS Nightly News"—I should add CNN and PBS, "20/20," all the shows that convey important issues that are affecting this country, newspaper articles and the odysseys of the trash trains and so forth, it is important to realize that this problem is anticipated by those who enter into contracts to either ship or receive the waste, because most contracts usually include provisions in which one party understands and agrees to the risk of potential change. And that remedy lies between the contracting parties.

By protecting both parties by statute, as the bill is currently constituted, we will essentially negate an allocation of risk that has been assigned between the parties. In effect, what we will do if this amendment is not adopted is abrogate our ability to execute meaningful public policy with real teeth and protect parties from risks that are already anticipated and already planned for.

The State of Michigan has just unsuccessfully argued a waste disposal plan before the Supreme Court as State after State after State has gone to the courts to try to impose the most reasonable, and in most cases, limit of resistance. And even those are violative of the commerce clause, which is why we are here. The attorney general of the State of Michigan has this to say about contract law:

> Under the Coats amendment only written contracts executed by affected local government or as a result of host agreement between the owner operator of landfill or incinerator and affected local government would be grandfathered. This language is consistent with the intent of Senate 2877, which is to ensure that the local government has the ability to meet its solid waste disposal needs and closes the loophole that threatens to circumvent the effectiveness of the bill.
>
> The Constitution gives Congress the authority to use all means appropriate to regu-

late commerce under the commerce clause, and this authority has been explicitly extended to contracts which come under the auspices of the commerce clause. Case after case has indicated that plaintiffs cannot expect that their status or rights will remain unchanged through changing circumstances and conditions. They could reasonably anticipate changes in the law, rights secured even by private contract maybe, and abrogated by subsequent legislation which is authorized by constitutional provision.

If contract language in the bill stands, we will essentially abdicate the stated effect of the bill and intent of the bill, which is to grant States and localities broader authority over their borders. Our intent is to change the status quo of uninterrupted trash flowing on an interstate basis. Our intent should not be to codify the current status quo situation.

Importing States like Pennsylvania, Ohio, Indiana, others, Michigan, that noted serious flaws in the language, the prospect of open-ended contract, the prospect of renewable terms, the prospect of assignable contracts continuing, all of which will seriously impair our ability to begin to control our borders—the Constitution protections afforded private contracts cannot be narrowed by legislation or ultimately defined by the Congress. These protections remain and nothing in my amendment limits those protections.

The Supreme Court has determined that the absolute protection of contracts must be balanced with a State's rights to further the common welfare of its citizens.

Today we choose what is more important. Is it more critical to allow communities to have a say in the trash crossing its borders, or codify current practices between waste exporters and the owners of private landfills that are repositories of interstate waste, the practices which have given rise to the crisis in interstate garbage shipments.

Mr. President, this amendment is necessary to preserve the intent and the integrity of the legislation before us, and I urge my colleagues to carefully evaluate this, talk to their State attorneys general and Governors, and hopefully support the amendment that Senator CHAFEE and I have offered.

Mr. President, I would like to add Senator NICKLES as an original cosponsor of this amendment, and with that yield the floor.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, this is a complex subject, one that most Senators probably do not want to spend a lot of time with, learning all the intricacies, the ins and outs of what really is going on here. Essentially, the point of this bill before us today is to provide a framework, a plan, a scheme, a construction for the interstate transport of solid waste so that States in a responsible, meaningful way can begin to limit the amount of waste that comes into those States.

Why are we here today? We are here today, primarily because our country tends to be a throwaway society. We generate a lot of solid waste—a lot of it. Essentially, each American citizen today throws away about 4.5 pounds of garbage. We take it out to the trash bin, the curbside, put it in a dumpster, or what not, and it comes out about 4.5 pounds per person, per American, per day—more than every other country. Unfortunately, the trend is upwards. We are just generating a lot more of this stuff now than we were a few years ago.

In the meantime, because of increased environmental standards—and thank goodness they exist—in the meantime many local communities, municipalities, counties, are finding it more difficult to find the space to dump the garbage—the landfills. There is a lot of pressure on communities to find more space. And because of the higher environmental standards—liners now being put in place at landfills, aroma restriction, monitoring restrictions, et cetera—these sites are becoming more scarce. They are more expensive. And there just is not enough room to dump the garbage.

We are attempting here in the Congress to address this problem. And, I might add, because of the lack of land space, particularly in some of the more populous States, the populous States logically and understandably ship a lot of their garbage to less populous States in other parts of the country. As one might expect, some of the more eastern, more populous States are shipping some of their solid waste—we are talking about municipal waste here—to somewhat less densely populated States in the Midwest and potentially to the Far West.

We in the Congress are attempting to solve this problem by passing legislation which will, in the first place, encourage manufacturing companies to produce less waste. In addition, to encourage companies to recycle more of the waste this country produces. And third, to set up a hierarchy of standards so the solid waste that is left over, that is produced and not recycled or not incinerated, is put in a safe way into a landfill.

States that receive a lot of solid waste are understandably concerned. At least some of the communities in some of these States are understandably concerned. Nobody likes to take somebody else's waste. It is really a paradoxical situation. Because people do not mind dealing with their own waste but they do mind dealing with somebody else's waste, almost leaving the implication that somebody else's waste is a little dirtier or somehow less palatable than the waste one's own community produces.

But putting that aside, human nature being what it is, people tend not to want waste produced by somebody else, even though the composition of that waste is for all intents and purposes the same as the composition of waste in the local community.

Under the U.S. Constitution, under the commerce clause of the Constitution, States cannot limit the importation of solid waste into their own States absent congressional authorization. In fact, a couple of months go, I think in the last few weeks, the U.S. Supreme Court in two separate decisions has held very directly on that point. Two States attempted to limit the importation of out-of-State waste into their own States. The Supreme Court said: No, you cannot do that. That violates the commerce clause of the Constitution. You have to wait for Congress to act in this area.

We, here, now, today, are acting in this area so States can so limit the importation of solid waste into their States.

I think it important for people to realize this is complicated. I am reminded—in fact some people tease me about this because I make this point with some frequency—of the statement by a famous Baltimore Sun journalist, H.L. Mencken, who said: "For every complicated problem there is a simple solution, and it's usually wrong."

I think he is right. For most complicated problems there are no simple solutions. But there are complicated solutions. There is no silver bullet. There is no magic panacea. There is no obvious, simple solution to most problems, and there is not to this one either. That is partly because almost every State in the Nation both imports and exports solid waste. Forty-two States in our Nation export solid waste to some other State. Forty-three States import solid waste from some other State. It stands to reason, because some cities are located not smack-dab in the center of the State but they are on the edge of the State, near a border of the State. It just makes a lot of sense to transport some of the garbage across the line to that other State.

In addition, we live in a society to a large degree of free enterprise, where companies can enter into contracts with communities or with areas that own disposal sites to try to work out commercial arrangements for the transportation, dumping of solid waste. State boundaries should not restrict that because we want commerce to flow fairly evenly around our country.

The real goal here is, frankly, for us to produce less waste in the first place and recycle a lot more waste than we presently do. But I must say even though we in the Environment and Public Works Committee reported out a bill attempting to accomplish those results, that we cannot get this bill up

on the floor of the Senate in the remaining days of this year for one simple reason. That is basically because there is not enough interest to do what we all know we should do, that is pass legislation encouraging more recycling and encourage less production of waste in the first place. There just is too much gridlock here.

The national environmental groups did not like the bill reported out of committee because it did not go far enough. It did not set recovery rates, in their view, high enough. It did not go far enough in reducing or encouraging waste minimization. It did not go far enough. They are not very enthusiastic about it. They wanted more.

At the same time industry groups felt the bill did not make a lot of sense because they felt it went too far. Even though this bill only nudged industries, particularly the packaging industry, to recover a litter bit more of the paper, or the glass, or the plastics, or the metals they use—only a nudge—most companies do not want to be nudged. And because there are so few days left in this session they were able to exercise some leverage which in effect has prevented this bill from coming up.

It is really sad, because other countries are doing far more than we even attempted to do in the bill which is not now before us. The country of Germany, for example, has passed packaging legislation where Germany is now recovering 60 percent of recyclables of the waste that is produced in Germany. The European Economic Community is going almost as far as Germany. They are passing legislation in the European Economic Community which will require about 50 percent of recycling.

The bill we reported out of our committee, which we are not now bringing before the Senate, had a lower percentage—only 40 percent. We could not get that passed—we could not bring that up. Actually we could if we tried, but reality being what it is, if we had brought it up on the floor it would not go anywhere and we would just be, this year, unfortunately, wasting our time.

So, what are we left with? We are left with this construct, this mechanism, which by the way was in the Environment and Public Works Committee bill. We stripped that out. That is the bill now before us. We are left with this construct to provide a way for States to begin to control and have some handle on the importation of solid waste that comes into those States.

Now, because so many States import—42, so many States export solid wastes—43, we could not just overnight say, willy-nilly, today, slam the door shut, Governors have full authority upon the passage of this bill to stop all importation of solid waste coming into those States. This would not make sense. It would be extremely disruptive. It would cause all kinds of problems because so many States export wastes to other States. If all the States were to say: No, close the door; what is going to happen to the waste that is now being exported?

Well, who knows what is going to happen to the waste now being exported? Some of it would pile up in communities. Other waste would be dumped. Some States, some communities, just do not have the capacity at the moment to deal with the waste.

It has to go somewhere. People are still going to be producing the waste. Communities are going to be producing the waste. Production of waste is not going to stop. It is going to go somewhere. The question is where? We do not want it to go to someplace other than landfills. That is the problem. That is the basic problem that we have.

So, in our bill we provide that local communities, if they have not been receiving waste in 1991, out-of-State waste in 1991, can say to the Governor—Governor, we would like you to ban the importation of solid waste into our community. That is in the bill.

We also say to States and to local communities, if waste has been coming into your community in 1991, out-of-State waste, in 1991, then the Governor can still ban the waste going to your community if it is not going to a landfill that meets applicable State standards. You can do that.

We are also saying a Governor can freeze at 1991 or 1992 levels the amount of out-of-State waste that is coming into a State. The Governor essentially does not need the permission of a committee to do that. He does in some cases, but not all.

We are also saying for the States that receive most waste, that is States that receive over 1 million tons of waste a year, that the Governor can also freeze, there, and ratchet down those communities where 30 percent of their waste is from out-of-State.

Finally, in the bill we say this authority the Governor has continues indefinitely, except by the year 1997, if his State or her State does not meet the new solid waste regulations which go in effect in 1993, that is if the State does not meet them by 1997, then the Governor loses that authority. That is an incentive to encourage States to update their landfills.

So I am saying very simply this is a complicated problem. It has not a simple solution. It is somewhat of a complicated solution. But it is a solution which has been negotiated and worked out over, essentially a couple of years.

Exporting States, essentially New Jersey, New York—to name two who are most concerned from the exporter's point of view—States by the way which are doing a great job in reducing the amount of waste that they export—have been negotiating with importing States.

I mentioned the State of Indiana as an example to try to work out a solution and I must say, Mr. President, I think the compromise solution we have worked out is a pretty good one.

I might make one point here. Ironically, the problems that importing States have are already diminishing on their own. For example, in the State of Indiana, Indiana State officials have determined that long-haul waste imports have declined, not increased, have declined by 80 percent since last year. There has already been, Indiana officials have determined, 80-percent reduction in long-haul waste.

In a 1992 article in Solid Waste Report, according to an Indiana official with the Indiana Department of Environmental Management, "Indiana experienced much more than 50 percent reduction, probably more like a 70- to 80-percent reduction in long-haul municipal waste."

Everybody has figures. Some figures lie; some figures do not lie. I am only saying that according to Indiana officials, long-haul waste into Indiana in the last year or two has actually declined. It has not increased. It has decreased. This is happening, frankly, I do not know if in all parts of the country, but in many parts of the country. I note the State of New Jersey is now exporting I think no waste, or very little waste now to the State of Indiana. It is my understanding it is zero waste. That is a big improvement from a couple, or 3 years ago.

Mr. COATS. Will the chairman yield?

Mr. BAUCUS. In a minute I will. The very simple point and one that I think should be grasped here is that, by and large, the politics of this issue has not caught up with reality. The politics of this issue, particularly a couple—3 years ago—was one where people were inflamed because a garbage barge—or what is it called—the poopers—the poo-poo choo-choo down in the State of Louisiana—and other examples of a lot of stuff being dumped was a problem a few years ago, a couple of years ago, maybe as recently as a year ago. I am not now saying it is not a problem now. It is a problem. But I am saying it is much less of a problem now than it was a couple, 3 years ago.

It reminds me a little bit, Mr. President, of the way Government sometimes does business, whether it is monetary policy or it is fiscal policy or other congressional reaction to not only perceived but actual problems; that is, by the time we have acted, the problem has taken care of itself and sometimes by the time we act we exacerbate the problem, we accelerate it beyond the point where it should be.

I am not saying this bill is going to cause more problems than it is going to solve. I do think this bill is going to solve more problems than it is going to create. If we stand back for a little perspective and look to see what is actually going on, I think we will realize that the reality of the politics of this

are not entirely in sync. That is, the reality of this is the problem is not quite as bad as it once was 2, 3 years ago.

Essentially, Mr. President, I urge Senators to resist the Coats amendment. It is not needed. Indiana has negotiated with our committee very vigorously in the last couple of years. We have come up with a solution which is a good, fair solution, as fair as can be, to all States. It is not a perfect solution from Indiana's point of view. Indiana would like to have a perfect solution from Indiana's point of view. It is not a perfect solution from New Jersey's point of view. New Jersey would like to have a perfect solution from New Jersey's point of view.

I would like to remind Senators our national motto, which is emblazoned over the Presiding Officer's chair, is "E Pluribus Unum," we are one out of many, we are one Nation out of many. This is legislation which not only attempts, but in my judgment actually does essentially solve the problems that States have, taking into consideration both exporting States and importing States.

To go further, that is to tilt the balance more toward importing States even more than it has and against exporting States I think is going to begin to unravel this bill. I remind Senators that if this bill becomes unraveled—I am not saying it necessarily will—but the more we unbalance the bill, the more it tends to tilt too much in one direction as opposed to another, the more it will fall down, become unraveled, and the less likely the legislation is going to pass.

What does that mean? That means that States will have no authority to limit the importation of solid waste in their community; none. Why none? Because the Supreme Court has said so. The Supreme Court has said the States on their own, without the express authorization of Congress, may not limit the importation of solid waste in their communities. This bill does provide a framework so that States can limit the importation of solid waste in their communities.

I must say, too, Mr. President, I find it a bit ironic that Senators who usually stand up for business and stand up for commerce and stand up for free enterprise now want to give the Governor the authority to break contracts, to break a private contract, to upset peoples' expectations, upset the expectations of a local community, a person who resides in a State, who entered into a contract with somebody out of State, just to go in and say, I am sorry, even though you worked hard on this contract, even though you negotiated out this contract, even though you have certain expectations of the terms of the contract, sorry, all bets are off, cannot do it; we, the big mighty Government, are coming in and we are going to break your contract.

I would think, Mr. President, that most people in this body would hesitate before giving the Governor the authority to break contracts. Why do you want to break contracts or why do we want to break peoples' expectations? In this case, the first-degree amendment is a little bit strange because it only goes to private contracts, not to contracts in municipalities entered into. Why in the world do we want to say the Governor can break private contracts but cannot break a contract with a local government which entered into an arrangement to receive out-of-State waste from another State? What is the distinction, unless the distinction is, well, there is too little public process in the private contract negotiation whereas there is an opportunity for the public to express its will in the public contract.

The answer to that, it seems to me, in every community I know of, I am sure the local town, local township has a permit process, some process under which the private contractor entered into an agreement to receive out-of-State waste in his own State. There has to be some procedure, some way in each of these municipalities for the public in some way to be part of all this process.

The basic point is that Senators should be hesitant before we willy-nilly give the authority to a Governor to break a contract, break a contract that the residents of our States have entered into with residents of our own States or with other States, particularly when, under this bill, once the contracts expire—and the average length of a contract here is 5 years—once contracts expire under the bill, without the amendment, then Governors would have the authority and the State process would operate so as to restrict and even limit and even prevent the importation of solid waste into a State.

The net effect of this bill, without the amendment, will be a very significant reduction of solid waste coming into one State. It is not a total, 100 percent, slam the door, stop it all, upon the passage of this bill. That is correct. It is not. It is going to be phased in. But we have to phase it in if we are to be responsible. We have to be careful on the scheme, on the construct of the procedures we set up here so as not to totally eliminate transportation of interstate garbage, because if we do, it is going to pile up who knows where until this is worked out, and we do not want to be precipitous about all this but we also do not want to break contracts willy-nilly.

Also, I might say, to a large degree, this problem is being taken care of anyway, because the amount of waste that is going into the States, the receiving States, is not increasing. The evidence I have is that it is, in fact, in the most sensitive State, decreasing.

So I urge that we do not adopt this amendment.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I first want to make a brief comment about the bill itself.

I am proud to be a cosponsor of S. 2877. I want to begin by congratulating my friend from Indiana, Senator COATS, for his hard work and his outstanding leadership in this area.

I also want to thank Senator BAUCUS and Senator CHAFEE for their efforts in pushing this debate toward resolution.

It is a very difficult matter, as the Senator from Montana has just indicated, to strike a fair balance between the needs of States, to make sure that we approach this matter on a national basis in a way that makes sense environmentally. At the same time, I think we must be sensitive to the needs of those States which have become the dumping ground—and in many ways the involuntary dumping ground—for waste from other States which are not handling their situation in a fully responsible manner. So striking the balance is a very difficult task. I want to commend floor leaders on both sides of the aisle for their efforts to strike that balance.

We do not want to open this bill up to widespread amendment and to broader debates, because there is a need in light of court decisions to have the Congress clearly speak. Without any legislation at all, as has already been indicated, the Governors, the States, the local communities, will simply be left powerless in terms of dealing with this problem of having waste from outside their States come into the local communities, local areas, and pose a threat to their citizens and to the quality of life. They will be left with no ability to act.

Fighting against out-of-State trash is especially important in Oklahoma, because we have more open space and generate less garbage than most other States. Municipal solid wastes in the United States have increased from 128 million tons in 1975 to 179 million tons in 1988, and is expected to rise to 216 million tons by the year 2000. Of this total, Oklahoma generates a little over 3 million tons of solid waste per year. For example, New York and New Jersey alone send double that amount—more than 7 million tons—out of their States, outside their States, every year. And this waste tends to end up in small communities, in rural areas, often that are ill-equipped to deal with it.

I do not mean to imply that other States are not making efforts to address their solid waste problems. They are. And these efforts are to be supported and commended. But clearly, they have not yet been enough. We

need to craft a solution that will encourage them to do more, to do more to assume responsibility for the waste which they themselves are producing in their States.

Something needs to be done to ensure that this problem does not get passed on to more rural States. The game of pass the trash must end. I have here an article from USA Today which describes the route of the so-called P.U. Choo-Choo.

This train transported 2,200 tons of rotting New York City trash to Illinois, Kansas, and Missouri where it was ordered out of the State. Faced with no alternative but to go home, the garbage was finally trucked to the Fresh Kills landfill in Staten Island.

Oklahoma has less than 5 years of average landfill capacity left. High volumes of waste coming in from other States reduce Oklahoma's capacity to manage its own waste and only encourages other States to avoid their responsibilities a little longer. If we are going to preserve our environment, we cannot allow responsible States to become a dumping ground for others. We cannot sit back and let States neglect their responsibility to manage their own waste production.

Chief Justice Rehnquist made this observation in his dissenting opinion in the Michigan case:

> It is no secret why capacity is not expanding sufficiently to meet demand—the substantial risks attendant to waste sites make them extraordinarily unattractive to neighbors. The result, of course, is that while many are willing to generate waste * * * few are willing to dispose of it. Those locales that do provide disposal capacity to serve foreign waste effectively are affording reduced environmental and safety risks to the States that will not take charge of their own waste.

Chief Justice Rehnquist concludes:

> I see no reason in the commerce clause, however, that requires cheap-in-land States to become the waste repositories for their brethren, thereby suffering the many risks that such sites present.

This legislation will force other States to bear their fair share of the burden and develop responsible waste management plans. The need for action is clear. States are being inundated with garbage which can only be stopped through congressional action. In the past few months alone, 6 companies have proposed to dispose or incinerate out-of-State waste in 15 different locations throughout Oklahoma. The out-of-State trash pouring into Oklahoma's landfills reduces its capacity to be environmentally responsible and handle its own waste.

As landfills fill up around the country and the cost of waste disposal continues to increase, I believe we must deal with this problem on a national level. We must ensure that all States live up to the highest standards when disposing of their municipal waste.

A permanent solution is needed this year. My State and others cannot afford to stand powerless while other States neglect their responsibilities and spoil our environment.

Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendments offered by Senator COATS and Senator CHAFEE.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. BOREN. Mr. President, there are problems even with the existing legislation and with the compromise that has been developed, and I know that this amendment attempts to deal with them. For example, there are certain option contracts without binding volume constraints so if we do not touch existing contracts, there are contracts out there which have the potential of having options exercised to greatly expand the amount of waste coming in under them, and therefore leaving the State and the locality without power to act.

There are amendments to contracts which can be made. There are provisions that might allow renewals of contracts to allow for increased volumes in the future. And in some cases, there are contracts with no termination dates at all. There also contracts which include overstated waste amounts. For example, the contract may call for two or three or four times as much as is now coming in, a deliberate overstatement so that additional amounts can be brought in in the future without renegotiating the contract.

So unless we find a way to put some limits on the open-ended nature of these contracts, either as to duration or as to the volume of waste that comes in under these contracts, we will find ourselves with a loophole in the law that will again, once we have said to the public that we are solving the problem, leave room for the problem to raise its head again in a new form under the theory that private contracts allow for this huge expansion of unlimited duration.

I hope we will not do that. That is exactly what the Senator from Indiana and the Senator from Rhode Island are trying to prevent under their amendment.

At the same time, I am sensitive to what the Senator from Montana has just said about the fear of a blanket abrogation of private contracts.

I understand also the problems of those like my friend from New Jersey, Senator LAUTENBERG, and others who have been speaking on this matter. I understand their problem because they are worried that in those situations where their States are making plans, they are developing ways of coping with their own generated waste products and hazardous wastes, as well, if existing contracts are abrogated, the volume with which they must contend in the short range might be increased dramatically without their ability to cope with it. So they need some certainty as to the amount that will continue to go under existing contracts.

So, Mr. President, I support the amendment of the Senator from Indiana and the Senator from Rhode Island. I do express the hope, however, that before we come to a vote, a very serious effort will be made to try to find some language which strikes the balance between giving the Governor the power to abrogate contracts without constraint, without the limits being very carefully spelled out, and the current bill, which simply does not close all the loopholes. Surely there is a way we can find that will strike this balance.

The authors of the bill, the leaders of the committee, have been, as I say, masterful in terms of the efforts they have made so far to strike this balance. It is my hope we can also find the appropriate balance on the issue that is now before us so that we will not jeopardize the legislation, we will not get into prolonged debate and, above all, we will not open this legislation to other amendments which would have the effect of sinking the entire bill and leaving us in a very bad situation indeed.

So I hope that my colleagues will try to work together to deal with this problem of open-ended duration and the possibility of increasing the magnitude of waste and garbage moving across State lines because of open-ended provisions in existing contracts in a way that we can solve those problems without raising some of the fears that have been voiced by the Senator from New Jersey and the Senator from Montana and others about an abrogation of all contracts.

This Senator would certainly be willing to help in any way he can in trying to arrive at such a compromise. I compliment my colleagues for the progress they have made so far. They have made a great contribution to this country, and they have done it in a very fair fashion to all States. I simply urge them to continue in this way and to try to take care of the problems that have been raised in the Coats-Chafee amendment.

I thank my colleagues.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma yields his time. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, I thank the Chair.

Mr. President, I compliment all Senators who have worked to bring this legislation to the floor in an effort to address this very oppressive problem.

I join with the distinguished Senator from Indiana [Mr. COATS] in the amendment which he has offered and ask that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I believe that the Coats amendment is indispensable to close a very glaring loophole which would permit virtually boundless importation of trash to States like Pennsylvania. The amendment would ensure that there is express authority granted by the Congress empowering States to appropriately regulate interstate flows of trash and deal with existing contracts.

When you take a look at the transportation of interstate waste, it is absolutely appalling, and the statistics which are available relating to Pennsylvania show an enormous amount which is being imported from out of State, with particular reference to the States of New Jersey and New York. That importation has increased markedly in the course of the first quarter of this year by some 43 percent.

Just take a look at the kind of importation which is involved here, Mr. President. In 1991, New York exported 1,058,878.7 tons to 23 Pennsylvania landfills at a time when New Jersey exported even more than that, 1,871,494.2 tons to 21 Pennsylvania landfills. In the first quarter of 1992, New Jersey exported 439,785 tons to Pennsylvania landfills, a significant increase over the exporting of 407,337 tons in the first quarter of 1991. In the first quarter of 1992, New York exported 267,860 tons to Pennsylvania landfills, which was an increase substantially over the 169,317 tons in the first quarter of 1991.

These lines of exportation are only illustrative of the tremendous amount of waste which is imported in interstate commerce.

It is necessary that there be an expressed grant, by the Congress to the States, of authority to limit the shipment of interstate commerce because, if it is undertaken by the States alone without the authority from the Congress, it is subject to being nullified as an undue burden upon interstate commerce. So it cannot be a so-called dormant provision. There has to be an expressed grant of authority.

The illustrations of the kind of contracts which exist show that Mercer County, NJ, has a 20-year contract with the G.R.O.W.S. landfill for the disposal of 4.5 million tons of municipal waste and sewage sludge. That contract was entered into in February 1988, and the 4.5 million figure represents the maximum obligation of the landfill and could be increased at the discretion of the landfill operator, if the landfill operator so chose. So, here you have an illustration of an existing contract which would obviously render any of the limitations imposed by this legislation meaningless unless the Coats amendment is adopted.

Another illustration is found in Essex County, NJ, which currently has a contract with the G.R.O.W.S. landfill in Bucks County, PA, even though Essex County has an incinerator which is being used to process New York City garbage. So, what you get involved in here are elaborate arrangements, which are obviously very, very profitable, but unless a State like my State, the Commonwealth of Pennsylvania, has the authority to impose some reasonable restrictions, it is just very, very burdensome.

Mr. President, even with the opportunity to strike existing contracts, there is still a very grave burden which is imposed on States like mine which may require amendments even beyond the one which is currently being undertaken.

But I believe, Mr. President, that the Coats amendment would still leave this legislation in balance. It would not render it out of balance. Although there really may be more amendments necessary to provide the appropriate overall balance for this legislation.

When there is an argument here about expectations, I think that these contracts were entered into with these open-ended long durations really anticipating some legislative action to try to have certain curtailments on trash flows. Therefore, we have people, highly sophisticated in these business operations who will not realistically be denied their expectations.

When there has been talk on the floor here, Mr. President, about recycling,the figures which have been advanced may not tell the whole story when they are talking, apparently, about industrial recycling activities which include scrap automobiles and highway asphalt recycling. So that when you have waste disposal of the type we are concerned about in this legislation, these references to large recycling successes do not really tell the story as it relates to the kind of activities which are sought to be regulated here.

This is a very realistic and modest proposal, Mr. President, I think, upon analysis, the vast majority of the Senators will adopt this very reasonable amendment.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] is recognized.

Mr. SYMMS. Mr. President, I commend the sponsors of this legislation for their efforts to resolve what is a very complex and politically potent issue; that is, the interstate transportation of municipal solid waste or garbage. It has come to the forefront of public concern, Mr. President. It gets a lot of media attention. There is hot political debate in many States. I know that my friend, Senator COATS, has worked very, very hard to resolve the differences between the competing political interests represented here so we can move ahead with a bill.

I know Senator BAUCUS has worked with him diligently to that end.

Through his persistence and thoughtfulness and hard-nosed determination, Senator COATS has brought us to this point. I commend him especially for a most difficult job. And I say "well done" to him.

Mr. President, having said that, I would like to point out a couple of things that I think the Senate needs to think about regarding the regulation of interstate commerce.

The interstate transportation of garbage tends to raise regional and local concerns, and it is a politically potent issue. It also raises a very important constitutional issue. These issues are the kind of issues that are very difficult to drive home in a 30-second sound bite but which directly affect our Federal system of government.

I want to raise some of those issues today. I know the two Senators from New Jersey have had a keen interest in this legislation because, in some cases, their State happens to be an exporter. I know there is one side of the argument that says, well, if you pass this law, then the States that are exporters of garbage and trash will be forced to build solid waste disposal sites or incinerators, and that will solve the problem. They can build them in their own States, and take care of the garbage they generate. Others say it is impossible to develop new sites or obtain necessary permits to build waste incinerators. And in some cases, States and communities simply do not want sites developed. I know there are two sides of this issue. But I think that we need to discuss the constitutional issue. It is a constitutional issue and where that might lead us, Mr. President, is my concern regarding this legislation.

In article I, section 8, of the Constitution, our Founding Fathers enumerated the specific powers granted to Congress in this national government of limited powers. Among the most important of those express grants of congressional authority is the power "to regulate Commerce with foreign nations, and among the several States, and with the Indian tribes."

To quote from "The Analysis and Interpretation of the Constitution," a document prepared by the Congressional Research Service:

> the commerce clause "is the direct source of the most important powers which the Federal Government exercises in peacetime, and, except for the due process and equal protection clauses of the 14th amendment, it is the most important limitation imposed by the Constitution on the exercise of State power."

Mr. President, why did the Framers of the Constitution, who took such great pains to create a National Government of expressly limited powers, grant to the National Government such exclusive and powerful authority over commerce? Mr. President, I think the two Senators from New Jersey prob-

ably understand this as much as anyone here in this Chamber, because their State is now being affected by it, because of local, parochial interest in neighboring States, those States are trying to prevent the transport of commerce across the State line.

To paraphrase James Madison's analysis in the Federalist Papers No. 42, the commerce clause was included in the Constitution because the Framers believed one of the great weaknesses of the Confederacy was the inability of the Confederate government to regulate commerce between the several States.

In other words, this was in an age of States rights, Mr. President. This was in an age when States rights were premier, when they had just thrown off the shackles of big government from Great Britain, and they did not want big government to centralize too much in the central government of the thirteen Colonies.

The Framers had the foresight to recognize—as Madison noted—that States which imported or exported products through other States had been forced to pay taxes or other forms of duty on the commodities in transit, and that such duties weighed heavily on both the manufacturers and consumers, all Americans. "We may be assured," Madison says, "that such a practice would be introduced by future contrivances."

In other words, James Madison predicted, some 200-plus years ago, that with explicit protection in the Constitution we would reach this point. So do not think, Mr. President, that we can pass this legislation without setting a precedent. This is a precedent-setting piece of legislation which I think all Senators should give a great deal of thought to before passing.

Madison went on to say, "We may be assured that such a practice would be introduced by future contrivances; and both by that and a common knowledge of human affairs that it would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public tranquility. * * *"

Thus, Congress was granted the power to regulate interstate commerce in order to ensure the free flow of goods and protect against economic warfare among the States.

Mr. President, this Senator will make the argument anytime, anyplace, anywhere, that one of the reasons the economy of the United States has been so successful in these past 200-plus years is because of the fact that we have had relatively free trade between the States; it may be that it is more economically advisable to produce goods or services in one State and transport those goods and services to another State. We have never had problems of meeting border guards, tariffs or quotas, all of the complications that restrict the free flow of goods and services between States.

This subject seems a little earthy by comparison, but all of this bears directly on the question before us today—interstate transportation of garbage.

I have the greatest respect for the Senator from Indiana and the Senator from Pennsylvania trying to protect their States. But on the other side of the coin, there are States that may have lesser land space, different land values, a greater concentration of population, and it may make good sense to transport some of these products across State lines as long as they stay within the bounds of the overall general standards of environmental behavior.

As unappealing as it may seem, Mr. President, garbage is a commodity that is often transported and received under contract in interstate commerce. It is a business arrangement generally between a private company operating a landfill site and a municipality that has to do something with the waste it collects from its citizens.

Mr. President, this legislation would grant the States the authority to regulate or prohibit the interstate transportation of this commodity across their borders. Senators may say, "well, States need to be able to control how much out-of-State trash is received and buried within their borders, and trash-exporting States need to adopt measures to deal with their own trash." All of that is fine, except the mechanism we are using to deal with this difficult issue is to relegate to the States authority expressly and purposefully granted to the Congress under the commerce clause.

You just cannot have it both ways, Mr. President. If we pass this legislation, we are giving the States authority to interface with interstate commerce. It may be that that is what the Senate wants to do—and I note from reading a bill summary that the administration has generally indicated its opposition to measures that restrict the free flow of solid waste in interstate commerce.

I think that Senators need to recognize that we are literally interfering in a business arrangement between two parties, who voluntarily have agreed to have a landfill site in point A, and a disposal collection point at point B, and they transport it from point B to point A. And even if they comply with all regulations, we are going to do is step in and say, "no in this backyard. We do not want it in my backyard."

It may be way more efficient. I am not from New Jersey. I am not from Indiana. I do not know the facts of how much more efficient it is to store some of this waste in a landfill in Indiana, or in Ohio, or in Pennsylvania.

But I am telling you, Mr. President, that it is another matter for Congress to devolve itself of the power granted under the Constitution to protect the free flow of commerce which provides the basis for a sound economy. I'm afraid what we are doing is opening the door, Mr. President, for local politicians and individual State Governors to use this as a precedent in other matters.

This is solid waste we are talking about. We also have toxic waste, hazardous waste. There are sensitive nuclear materials that are transported between and through States. And if Congress is standing here today saying it is going to give this power to the States, I fear it is a mistake. It is all well and good to say you are for States' rights but just remember that not-in-my-backyard politics makes it almost inevitable. If Congress gives this authority to the States, the short-term political gain for political posturing will always be to keep trash or any form of waste out of your State.

That is also going to be the popular thing. We may lose sight of whatever the marketplace would dictate and what the efficient method of handling these materials is. Some are considered less than popular to have in your neighborhood, many are considered hazardous but are essential in the manufacture of household conveniences and modern equipment. They will be the subject of State-by-State prohibitions in interstate commerce.

I do not think there is any question about it. Mr. President, if this bill passes the Senate it will set a precedent and make it easier to interfere with interstate commerce between the 50 States.

Without knowing a lot of the specifics, most Americans would probably tell you, Mr. President, that lead can have harmful health effects. Yet, lead is found in computer equipment, certain lighting fixtures, and a host of other manufactured goods which all of us depend on daily. How smoothly will the wheels of the economic engine turn if Congress decides to let States ban the transport of lead in interstate commerce? I just used that as a hypothetical example. It would open Pandora's box.

What about agriculture commodities, Mr. President, or textiles, or other products that from time to time that raise political concerns within certain States? If Congress allowed them the authority, is it not likely that some States with a substantial textile industry might prohibit the transportation across their borders of out-of-State or out-of-country textiles?

I would ask the rhetorical question, Mr. President: Is there anybody here that thinks that South Carolina would not be happy if no other State or no other country could ship any textiles into South Carolina? I think the popular vote in South Carolina, on the surface, might appear to be this: They would be opposed to having anybody ship textiles into South Carolina. I

think that evidence in the past and the things that we have seen happen would lead one to believe this possibility.

I have seen it happen in numerous kinds of products shipped from the Pacific Northwest into the great State of California. California used to have a nontariff trade barrier where they tried to block products they felt competed with their own products.

I know no matter how unpleasant it is to talk about solid waste, which means garbage and trash, it is a commodity, and it is an interstate commerce commodity. We should stand back and look at what it is we are doing. These are some of the important constitutional and economic questions that I think are raised by this legislation.

I hope my colleagues will give careful consideration to the long-term consequences for this Nation once we start down the road of giving States the authority to regulate the commodities transported in interstate commerce. Today, it is garbage. Tomorrow, it may be some other commodity. It may actually end up being, I would say to my colleagues, some of your constituents' jobs. There has to be some way to resolve this difficult issue. However, I believe that passing precedent-setting legislation, which clearly in this Senator's opinion interferes with the commerce clause of the Constitution, is a highly dangerous precedent for this Congress to set.

I would hope that some of the constitutional scholars here in this Senate that have had far more experience in these matters than this Senator would look at this very carefully before we ask the Senate to vote on this legislation because I think the potential for mischief and problems here are overwhelmingly risky for this country.

Having said this, I know the Senator from Indiana worked very hard to work out these difficulties. It may be that the solid waste disposal business will boom in the States that have been exporting their materials into Pennsylvania, and Ohio, and Indiana. But I will just say to my colleagues we should be very cautious about passing legislation of this kind.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] yields the floor.

Mr. LAUTENBERG. I suggest the absence of a quorum.

Mr. COATS. I wonder if the Senator would withhold that request?

I want to briefly respond to a couple points made by the Senator from Idaho. I would indicate to my colleagues that we are making a good-faith effort to resolve the difference here relative to this particular amendment. I have had some discussions with the Senators from New Jersey and we are attempting to do this, and hope to have an answer on that relatively quickly.

I would just like to say to my friend from Idaho, and I do appreciate his support through this effort. He has been an ally on the committee who has offered advice and I appreciate his concerns.

When this Senator originally offered legislation to deal with this problem, it authorized Governors total ban authority. That legislation was endorsed by a substantial majority of the Members of this body. Subsequent to that time, in response to some of the legitimate questions that the Senate has raised, we have spent a great deal of time and effort attempting to strike that balance that recognizes the very real problems of States like New Jersey and New York on other densely populated States in disposing of their municipal solid waste. And in recognizing the fact that they are making conscientious efforts to try to deal with that.

For that reason, the legislation was substantially modified to try to achieve a balance necessary to allow States like New Jersey, New York, and others, to deal with a particular problem they have, but also recognize that the States on the receiving end of the trash stream also have a problem. So the legislation before us does not give States the right to overthrow the commerce clause, but it grants limited authority to States to regulate the flow of trash into their State for what I believe are legitimate public purposes.

The legislation only gives the Governor the authority to ban out-of-State municipal waste upon request of the local governing authority, or solid waste district, and relative only to landfills that, first, did not receive out-of-State waste in 1991, and second, that do not meet applicable State requirements.

The authority to ban thus is very limited and in fact that authority is not even allowed in cases where host communities or local jurisdictions have agreed or negotiated with the exporting State to receive this. So a Governor cannot override a decision of a local community unless the State is so inundated with trash that it threatens the State's capacity to deal with its own municipal solid waste and then the Governor can only do so up to a certain percent, up to 30 percent of the total waste that is coming into the State—that is 30 percent of the total waste capacity of the State. And he can only, then, without the request of the local community, limit that to 30 percent.

In all other cases the Governor only has authority if, again, requested by the local government, again provided that local agreements are not abrogated, that his authority then only goes to freeze the amount of out-of-State waste coming in at the levels achieved in 1992, the first 6 months of 1992, or 1991, the first 6 months doubled, or 1991, whichever is less.

So nothing in this legislation is going to prohibit the flow and the economic benefit of the flow of waste on an interstate basis, as long as the community itself wants to receive the waste.

In response to the question relative to the Supreme Court, I might just note Justice Rehnquist's opinion in the most recent case that dealt with this subject, the Fort Gratiot Sanitary Landfill versus Michigan Department of Natural Resources landfill case. Justice Rehnquist said:

> I see no reason in the Commerce clause, however, that requires cheap-in-land States to become the waste repositories for their brethren, thereby suffering the many risks that such sites present. The Court today penalizes the State of Michigan for what for all appearances are its good-faith efforts, in turn encouraging each State to ignore the waste problem in the hope that another will pick up the slack. The court's approach fails to recognize the latter opinion is one that is quite real and quite attractive for many States * * *

Mr. BAUCUS. Will the Senator yield on that point?

Mr. COATS. I will be happy to as soon as I finish the quote—

> * * * and becomes even more so when the immediate option of solving its own problems, but only its own problems, is eliminated.

For that reason Justice Rehnquist offered a dissenting opinion in the case.

The Court, of course, upholds the commerce clause. But a long history of opinions have indicated that if Congress grants authority to the States to impose reasonable restrictions, that authority is legal and binding under the commerce clause and the Court will accept it. We have not done that yet. That is what we are seeking today.

I will be happy to yield.

Mr. BAUCUS. The Senator somewhat anticipated my question. It is true that is the dissenting opinion the Senator quoted from? And what was the vote on that case where Chief Justice Rehnquist dissented?

Mr. COATS. I am not sure what the vote is. Obviously the Court upheld the commerce clause.

Mr. BAUCUS. It was at least 8 to 1 or 7 to 2——

Mr. COATS. No, it was at least——

Mr. BAUCUS. It was 7 to 2, then. And, as the Senator knows, a dissenting opinion is just that. It is a dissenting opinion.

Whereas the Court did not agree with Justice Rehnquist's opinion. That is, seven Justices or eight Justices of the Supreme Court, virtually a unanimous Court except for one, Chief Justice Rehnquist, disagreed with the Senator.

Mr. COATS. In response to the Senator from Montana, they disagreed on the basis of the fact that the commerce clause—that Congress had not granted the State of Michigan the authority to impose reasonable restrictions, which is the very reason why we stand here today with S. 2877.

Mr. BAUCUS. My only point is that statement of Chief Justice Rehnquist

has no effect. It is not the law of the land. It is just a gratuitous opinion of the Chief Justice because he disagrees with the rest of the Court. The point is the statement of the Chief Justice is not binding. It is not the law. The law is not at all what the Chief Justice volunteered—states.

Mr. COATS. The Senator is absolutely correct. The statement of Justice Rehnquist is not the law of the land. It is not the law of the land because Congress has not granted the State of Michigan or any other State the authority to impose reasonable restrictions that do not pose an undue burden on interstate commerce. We are attempting to do that today. S. 2877 would grant that authority. That authority, then—according to numerous opinions by the Court, the majority of the Court as well as the minority support—would, then, uphold that authority. And that is why the Senator from Indiana initiated this in the first place and why he goes forward with confidence that this language will be held constitutional.

The opinion of Justice Rehnquist may very well be the opinion of all nine members of the Court. But their decision is based on the fact that Congress did not grant the authority and, therefore, they really had no basis on which to overturn the commerce clause because precedent said without grant of a specific congressional authority they have no precedent to overturn the commerce clause.

Mr. SYMMS. Mr. President, will the Senator yield on the point for a question?

Mr. COATS. I will be happy to.

Mr. SYMMS. I thank the Senator for that explanation. Then, if I understand the Senator correctly, Mr. President, what he is saying is the Court has said that it does not have the authority to interfere with the commerce clause. But only Congress can interfere with the commerce clause and grant that authority to the States. So what this Senator is then posing to the Senator, if this legislation passes and is signed into law or becomes law without the President's signature, and according to the President's position on this is:

> The administration opposes enactment of this bill . . . that would allow State Governors to prohibit or limit the disposal of out-of-state waste. The bill's restrictions on interstate transportation of waste do not maximize economic efficiency, and could increase public health and environmental risks posed by environmental waste in some communities.

What the Senator from Indiana is saying is if Congress grants the Governors this authority, then the Court would be in the position to uphold the law because Congress would have granted that authority? That is the opinion of Justice Rehnquist? Maybe the chairman of the committee would comment on that also. Is that the understanding of the Senator?

Mr. COATS. That is the understanding of this Senator. That is what the courts have consistently ruled in cases dealing not only with shipment of solid waste but commerce in general.

However, the Congress clearly, I believe, if my reading of constitutional law is correct, and I do not pretend to be a constitutional scholar, either—the State has to prove an overriding public interest in order to override the commerce clause. There are a number of celebrated cases early in our Court's history that have upheld the power of the commerce clause. And I have every confidence the Court would uphold that power. Except where a State can come in and show overriding public interest.

Mr. SYMMS. Let me ask this question, then, Mr. President, and I thank the Senator for the answer to that.

What does the Senator and what does the chairman of the committee anticipate that the precedent is, by passing this legislation, for future attempts to grant States more authority to stop materials from coming across State borders into the States?

Mr. COATS. Well, I think—I do not share the opinion of my friend from Idaho that this is the opening of the door, the foot in the door, the camel's nose in the tent type of legislation that is going to undo the effect of the commerce clause. Over the years Supreme Court decisions have consistently held that the commerce clause restriction on State power is a dominant restriction and that States may not regulate areas affecting interstate commerce when such regulation has an undue burden on that commerce.

The undue burden test apparently—and I say this without claiming again to be a constitutional expert or even spending a great deal of time in recent days on this particular subject. I think we are discussing an important point here, one that has some relevance to the bill at hand. But I do not believe for a moment that the authority that we are granting States under this legislation is going to be the basis on which States are going to be able to go forward and undo the effect of the commerce clause.

Mr. SYMMS. Mr. President, I think I would agree with the Senator. But would he agree with this Senator that the precedent that this bill is focused on is strictly solid waste, period; not for other kinds of materials?

Mr. COATS. This bill is limited to municipal solid waste; that is correct. The definition is spelled out in the legislation before us.

Mr. SYMMS. I thank the Senator.

Mr. COATS. Mr. President, I might also point out, the point has been made that this is a solution searching for a program; that while this may have been a problem in the past, it is quickly being resolved. That certainly is not the case in Indiana; I do not believe it is the case in many other States. And I would like to cite some figures relative to that.

In 1991, the State of Indiana received 1.45 million tons of out-of-State trash, which amounted to 528 pounds of out-of-State trash or garbage for every man, woman, and child in the State of Indiana. We have 5.5—or more—million people in our State.

The claim that imports of trash have been reduced is not again supported by the facts, even for figures we have for the first quarter of 1992. Out-of-State trash received in the first quarter of 1991 in Indiana was 273,043 tons. In the first quarter of 1992, it was 376,757 tons. That is a very substantial increase in the amount of trash coming into our State.

This Senator is not claiming that all that trash is coming from New Jersey. I do not believe I have said that in this debate, and I will take on the face of it the statement of the Senator from New Jersey that they are making a good-faith effort. In accord with the agreement signed between their Governor and our Governor, very serious attempts are being made to limit the out-of-State trash. But it is coming from somewhere. And if it is not coming from New Jersey, then it is coming from somewhere else.

I cited earlier a quote from Assemblyman Morris Hinchey, who chairs the New York State Commission on Solid Waste Management, who said, "We are relying more and more on out-of-State disposal." The amount of solid waste exported from New York State and deposited in States like Indiana and others has increased 400 percent in the past 5 years. And while, in 1991, the State of New York only generated 2 percent more trash than they did in 1990, their exports increased 19 percent. Fifty New York landfills stopped taking waste in 1991, and not a single new landfill opened.

What we have here is a game of pass-the-trash. We have situations where trash flows into one State or one part of one State until the public outcry reaches such a level that it becomes very difficult to continue that process, and trash then is stopped from flowing into that particular site and flows into a site either in the next county or, in many cases, the next State. This game of pass-the-trash is move-the-trash, keep it moving from place to place, and we will eventually beat this game.

I commend the State of New Jersey for passing some tough laws to attempt to become self-sufficient in terms of dealing with their solid waste problems. In fact, they set a goal, I believe, of 1992 to achieve that. They were not able to achieve it. It was an ambitious goal. I commend them for trying. I believe the best information I have is that they need an additional 5 to 7 years to accomplish that goal.

People continue to say: Just give us more time, and we will solve this prob-

lem. And why does Indiana not recognize we have been through what you have been through, and that we have a density problem and we are doing our best to solve it?

Let me tell you why. Indiana has 5 years or less total capacity for landfill. We have gone from 150 landfills in 1980 to about 75 today, with a further reduction to at least 50 or less in just the next few years. With 5 years or less landfill capacity, the landfill clock in Indiana is ticking. So our efforts to be responsible as a State, to impose new restrictions regarding the generation of waste, incentives and requirements for recycling of waste, upgrading our landfills, siting new landfills, our entire waste disposal plan is rendered useless if we cannot put some restrictions on the amount of waste flowing into our State from other States.

So we are attempting to do what those States claim: Give us more time to enact our plan. We are attempting to enact our plan, but find our efforts overwhelmed by the 1.45 million tons of trash which flowed into our State in 1991. What we want to be able to do is sit down at the table with those States that want to ship trash into Indiana and say: If the local community wants that, if we can work out a satisfactory agreement, if we can make sure that we do not overwhelm our own efforts, if we can make sure that we can reserve some of the capacity for our own waste, then we will talk.

Right now, we cannot talk. Right now, we absolutely prohibited from having any say whatsoever in terms of determining our own destiny, and that is the reason why not only Indiana, but Pennsylvania, Ohio, Wisconsin, Michigan, Illinois, Missouri, Oklahoma, New Mexico, and State after State after State after State is saying: We need some ability to determine our own destiny relative to our own environment.

This bill provides a balance. It provides an opportunity for States that find themselves in difficult situations, unable to meet their own requirements in terms of taking care of their own trash, and that need to export for a period of time. It allows some of that to go forward as long as it is part of a negotiated agreement, or an agreement that has already been in place with the host community; and, under certain circumstances, at volume levels that were established before the effect of this particular legislation.

By the same token, it gives States that are on the receiving end of this waste the opportunity to impose reasonable restrictions which I do not believe interfere or set a precedent that is going to undermine the effect of the commerce clause.

Mr. President, the Coats-Chafee amendment is pending. We are still attempting to resolve this matter. Hopefully, we will have an answer on that. And if the answer is not satisfactory, I hope we can move to a vote relatively soon. If it is something we can resolve, then I think we can move forward with this legislation.

With that, Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator yields the floor. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I think that the Senator from Indiana has made quite clear his interest in resolving the problem. We would like to resolve it. No one likes to see the trash trains or the trash trucks coming into their communities.

The fact is that—as I think everyone here now knows—exporting is no fun either. This is not something we want to continue. What we are looking to do is to try to get enough time to deal with the problem sensibly.

This is a national problem of major magnitude. This does not just involve New Jersey, Indiana, Pennsylvania, and New York State. This involves almost every State in the Union one way or the other, either on the export or the import side.

So the best thing we can do, if we can, is to try to develop an understanding that enables us to reduce the volume of exports.

What we are trying to do, Mr. President, in the moments right now—and I appreciate the fact the Senator from Indiana does want to try to effect a compromise that satisfies us both. Implicit is that there is an agreement which really does not satisfy either one of us, but that is the way it goes; no one gets everything they want when it affects States' interests. We are at the moment, at this very moment, in touch with the present administration in New Jersey, talking to our Commissioner of Environmental Protection, to see what we can do to reach a consensus view that permits us to go forward without further debate.

(Ms. MIKULSKI assumed the chair.)

Mr. LAUTENBERG. Now, I do not know whether that is possible. I hope so. I think we are awfully close to developing an understanding that satisfies us both, but meanwhile, Madam President, we are asking for the time, the opportunity to continue to try to strike a compromise that works.

Madam President, it is pretty obvious, I assume, by my comments, that I am going to vigorously oppose the amendment offered by the Senator from Indiana. This is not something, to use the expression, we can live with. The amendment that is being proposed would undo the work of the Senate Environment and Public Works Committee and unravel a carefully constructed proposal developed by the Environment and Public Works Committee. In fact, this is a proposal that the Senator from Indiana—although he is not a member of that Committee, he did testify and help us in the deliberation—joined with the Senator from Montana in introducing just last month. But the Coats amendment would pose a significant threat to New Jersey and other States compelled to export trash, municipal garbage. For these reasons, I strongly oppose the amendment, and I intend to fully discuss my opposition to the amendment.

Madam President, the Senate Environment and Public Works Committee adopted comprehensive provisions to address the issue of interstate waste shipments as part of S. 976, amendments to the Resource and Conservation Recovery Act, commonly known as RCRA, and approved by the Environment Committee earlier this year.

The members of the committee, those—and that includes, of course, this Senator—representing States like mine that export garbage and those representing States that import garbage, worked in good faith to develop an environmentally sound proposal sensitive to all States without being unfair, as much as possible, to any State.

The National Solid Waste Management Association reports that 43 States, almost every State exported municipal solid waste in 1989. So this is a matter of national concern that affects so many States.

The committee proposal left to local governments the choice of whether to build new landfills to receive waste from other jurisdictions. Many communities have shown they can deal with this issue responsibly, and some have invited imports of waste to landfills that are built to meet rigorous environmental standards.

Why would they encourage that? For some, Madam President, it involves sites that bring income into the community. We have all seen that at times communities have resorted to all kinds of activities to create jobs and revenues. It is well-known that communities around the country have invited waste disposal facilities like incinerators. We see it time and time again when a prison is contemplated. Many communities will opt for these because they are so desperate to keep the services in their communities going.

Not that having a properly licensed waste facility is like a prison, but one can understand at times why a community which knows very well that what they are doing is environmentally sound would reach out to try to develop some revenues and some jobs. And so we see communities saying we know what we want to do and we invite those who are looking for a place to dispose of trash to come to community X, Y, or Z.

The committee proposal grandfathered existing contracts. In doing so, the committee recognized the need for a period of time to allow States to

reduce their exports and understood that sudden abrogation of an existing arrangement for waste disposal could impose costly, environmentally destructive measures on the exporting community, suddenly finding themselves without an acceptable option for waste disposal, one that they had planned to use often, for some time as they developed other approaches to waste disposal.

Yesterday, the distinguished Senator from Indiana argued that this provision appeared after the committee acted, the provision that protects existing contracts. The Senator is incorrect. The committee provision always protected existing contracts. In fact, this provision was the basis for the committee compromise.

There was a change in the contracts provision in S. 2877. Senator BAUCUS reduced the scope of the provision to ensure that it only covered written legally binding contracts. He wanted to make it perfectly clear that these were specific agreements and had very precise conditions. Senator BAUCUS added a provision to allow the Governors of these States to require that these contracts be filed with the States so State governments knew what was taking place.

So the argument, Madam President, that the Senator from Indiana raised yesterday that States would not even be aware of the nature of these agreements is simply wrong. Senators should not think that this was some provision snuck into the bill in the dead of night. It was a fundamental provision of the Environment Committee's work on this issue. And when concerns were raised about the provision subsequent to committee action, Senator BAUCUS acted to address those concerns.

The bill gave exporting States time to reduce exports, but it also ensured that there would be a limit on those exports, and exporting States were put on notice that they would have to reduce their shipments of garbage to other States. What they needed was time.

The interstate waste provisions approved by the Environment and Public Works Committee as part of S. 796, the Resource Conservation Recovery Act amendments, were authored by the Senator from Montana, Senator BAUCUS, and Senator CHAFEE and supported by members of the committee, by Senator WARNER from Virginia, Senator WOFFORD from Pennsylvania, both of whom represented States currently receiving significant solid waste imports. They knew of their State's concerns, but they also knew that there had to be some kind of an effective compromise that would start the process going, not just cut it off in the middle of the night.

The legislation before us today, S. 2877, the Interstate Transportation of Municipal Waste Act of 1992, was introduced only weeks ago by Senators BAUCUS and COATS. It is based on the committee's earlier work. However, in the interest of further addressing concerns raised by importing States, it was revised to permit all States to freeze the level of municipal waste imports at 1991 or 1992 levels, whichever is lower, subject to certain conditions.

Madam President, there are provisions in S. 2877 with which I disagree, but a compromise means that each side has to give. S. 2877 recognizes that solid waste disposal is a serious national problem. The Nation is choking on the 180 million tons of garbage that we generate each year. Everyone knows that we are a throwaway society relying on excessive packaging and single-use products. There is not a lot of ingenuity placed in the way we deal with pollution or garbage in the first place. While we continue to generate mountains of municipal waste, our existing capacity for disposing of it is shrinking.

It is very interesting. The Senator from Indiana in his earlier remarks talked about the risk of running out of capacity. He said that Indiana had—he gave the number, I do not remember precisely—I think it was around 150, down to something like 70 or 80 landfills remaining. He is right to be worried about that because what is the State of Indiana going to do when its landfill sites are filled with its own domestically created trash?

New Jersey attempted to deal with that very problem. We tried to protect our capacity. It was not that we were simply opposed to out-of-State waste coming into our State. It was because even 20 years ago it was pretty obvious that one day we were not going to have a place to put the stuff. So what happened is we took it to court. And the Supreme Court one day said no, New Jersey, sorry, you have no choice. Under the commerce clause, I believe the decision was made, that we had to continue to do what we were doing.

I guess, Madam President, that brings us almost to the current day when knowing that the commerce clause protects the transport of interstate trash, that an attempt is being made here to create law that will deal with that problem.

But nevertheless New Jersey was compelled to give away its capacity. That is why we are here today in the situation that we find ourselves, at the same time we work further and harder to reduce the amount of garbage we create. New Jersey has the No. 1 position in terms of recycling across this country, up over 50 percent of all solid waste. That is a pretty good goal. We are moving rapidly. Yes; we had hoped to be totally able to deal with our trash within our borders in a period of time that is shorter than now appears to be. But we are working on it. By 1995 we expect to be over 60 percent recycled of our solid waste.

Just a few months ago EPA issued final landfill standards, standards which EPA says could lead, hear this, to the closure of hundreds of substandard landfills. Some areas now face a short-term capacity crisis. More areas are going to be so faced.

So what we did was to develop a national response. We tried to deal with our waste problem, to promote recycling and production of recyclable products and to promote safe disposal of waste. We did not want to narrow options where environmentally sound and economically feasible alternatives do not yet exist. We did not want to create new environmental problems. We wanted to encourage environmentally sound disposal practices. We wanted to address interstate shipments of municipal waste in the context of a comprehensive response to our waste problems.

The amendment before us today would throw all of those efforts out the window. It would impose artificial restraints without any environmental justification, that would harm the environment and disrupt communities all around this country, both exporters and importers. The Coats amendment would make significant changes to the committee bill before us. It would eliminate the protection in this bill extended to existing contracts.

Madam President, S. 2877, would respect legal relationships. That is not particularly revolutionary. It is in our Constitution. Contracts have to be honored. Communities rely on these legal relationships. Termination of these contracts would result in sudden termination of existing legal commitments, and it would threaten the ability of communities all across this country to dispose of solid waste in an environmentally responsible manner.

The sponsors of this amendment might argue that the provisions of this bill are overreaching and restrict the ability of a Governor to act to protect legitimate health and safety interests.

I have to admit that this argument surprises me. As I mentioned, the contracts provision was in the interstate waste section of the environment committee's RCRA bill. It was included in S. 2877, which Senator COATS joined Senator BAUCUS in introducing.

So what we are looking at now is the change from that which the Senator from Indiana had agreed to as a framework for resolving the problem. It was not until yesterday that we were presented with the arguments regarding an alleged affect of the contracts provision on a State's power to protect the health and safety of its citizens.

With some time in reflection it may be possible to address legitimate concerns that the bill as drafted may have had some unintended consequences. However, this amendment would under-

mine one of the underpinnings of this compromise legislation.

That is, the protection of existing waste disposal arrangements until such time as environmentally sound alternatives can be implemented. These contracts do not last forever, and I am not arguing that they should. Most of the contracts that jurisdictions in my State have entered into will expire over the next few years.

To suddenly allow these contracts to be abrogated, as the Senator from Indiana argued yesterday, would terminate the arrangements for waste disposal on which they are relying. Let us remember that even without this amendment, there will be a loss of some capacity for disposing of garbage; some capacity will be lost right away, because the landfills will not be grandfathered under the bill.

This amendment makes the situation much worse. Additional capacity would be lost as the four largest importing States were able to reduce imports at the largest landfills to 30 percent of garbage disposal, and existing arrangements which communities relied on in good faith would be abrogated. This would be a radical and unproductive step. It would be deeply disruptive and injurious to New Jersey and other States that must export garbage while they implement and develop sound, long-term environmentally acceptable disposal measures.

States need time to adapt to restrictions on the interstate transport of municipal waste. They should not be pushed into emergency and environmentally unsound solutions to waste management problems.

For this reason, Madam President, leaders of the Nation's major environmental groups have opposed unreasonable restrictions on interstate waste shipments. They argue that garbage bans inevitably lead States to adopt quick-fix solutions that are harmful to the environment and will interfere with the development of recycling markets.

The amendment would give a State the power to ban a portion of out-of-State garbage suddenly, virtually capriciously, and without any regard for its impact. This would have significant adverse effects. The Coats amendment would be harmful to the environment, because it would force States that are locked out to take desperate steps to dispose of solid waste, steps that may mean a rush to incinerate or reopen unsafe landfills. It may mean more illegal dumping. We have all seen it.

In New Jersey, one pays a very high price for garbage disposal. Some communities are now charging by volume, charging by weight, and what we are seeing, Madam President—and I do not think it is unique to New Jersey, because I have read stories about other States—is people taking plastic bags full of garbage and throwing it out on the roadways so people do not have to pay the price. People are besieged by the lack of capacity to deal with current financial problems, and they search for ways out, and we ought to be helpful and not force people into irrational steps, which is the result of what happens when you suddenly close down on an avenue or a process that has been in place. Ironically, this amendment could preclude disposal in the most environmentally protective landfills.

Madam President, in this the Environmental Protection Agency agrees. At a Senate Environment and Public Works Committee hearing on these issues, Environmental Protection Agency Administrator Reilly said:

> We should not create any authorities that operate as a ban on interstate transport of either solid or hazardous waste, thereby inhibiting or restricting development and use of the most appropriate technology for waste treatment or recycling.

Administrator Reilly also said that interstate waste did not present an environmental problem and that immediate bans would lead to the undesirable disposal of waste, including illegal disposal.

The administration opposes these restrictions. Clearly stating EPA's position, the Assistant Administrator for Solid Waste and Emergency Response, Don Clay, wrote to Congressman LENT in February of this year indicating the administration's opposition to restrictions on interstate waste.

I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. The Coats amendment would block the development of a comprehensive solid waste policy. Instead, it would pit State against State in garbage wars that could hurt many States.

Most States now export some of their waste. The Coats amendment would create chaos in towns and counties in those States that are relying on existing contracts, existing arrangements to ship waste across borders.

Some of my colleagues may say, well, we do not ship out very much. We take in more than we ship out. The Coats amendment is a good deal for my State, they may say, I warn my colleagues, do not be fooled; the tide turns oh so quickly.

Madam President, New Jersey, as I said earlier, was a net importer of garbage until 1988—that is not a long time ago. We took garbage from New York and Pennsylvania. We did not want to be good guys, but those were the arrangements and that is what we did. Almost overnight, we were forced now to become an exporter, because our friends and neighbors across our borders had used our capacity. The same thing can happen to others.

As a matter of fact we heard earlier from the Senator from Pennsylvania, who decried the fact that so much was being shipped to his State. Yes, it is significant, but I remind those listening that New Jersey was one of the biggest importers of Pennsylvania's, certainly Philadelphia's, garbage for many, many years. Perhaps we should have had a data bank that said, use our capacity today and maybe 20 years from now we have a deal that we in turn will get the same things back from you. In hindsight, that probably would have been the better way to work. Time has passed and we are where we are, and we are all in this boat together, a boat filled with garbage and trash. We have to solve the problem jointly.

An example of the kind of thing of which I speak is Kentucky. New Jersey used to ship waste to a landfill in Kentucky, but that shipment ended in 1991. I understand that Kentucky may now be a net exporter of waste.

Another example of how situations can change is the case of Rhode Island, which may find itself with a waste disposal shortage by 1994. Just this past week, the Rhode Island Legislature enacted legislation prohibiting the construction of incinerators and requiring the State to achieve a 70-percent recycling rate.

According to the chairman of the Rhode Island Solid Waste Management Corp., Mr. Jerrold Lavine, Rhode Island may have a capacity shortage in 1994 as a result of this legislation, the legislation that we are talking about right now. They may have a capacity shortage in 1994, I am reminded, as a result of the legislation in Rhode Island.

So the Coats amendment may look like a good deal this year, but it may be a terrible deal in a very few years.

Madam President, while this amendment would affect the 43 States that now ship municipal solid waste across State lines—I obviously am most familiar with the situation in my State of New Jersey. This amendment could have disastrous effects on our State. So, I want to convey to the Senate the progress we have made over the past few years toward developing our own self-sufficiency in our disposal practices and set the record straight about New Jersey.

Too often New Jersey is maligned because people do not know our State well enough. I can tell you this, that New Jersey ranks among the top States in developing patents, many of them in the pharmaceutical and chemical area that are extremely beneficial to health and then ultimately to the environment. And New Jersey—sounds funny to say this as I talk on the floor with my good friends from Montana and Idaho—New Jersey has more horses per square mile than any State in the country. I want Senators to know that. We may not have a lot of

horses. But we do not have a lot of square miles either.

New Jersey is a beautiful State with a lot of natural beauty. We have about 1 million acres reserved for the Pinelands, the State preserve that takes up a considerable part of the State's land.

We are very conscious of our need to be environmentally responsible. We have wonderful coastlines. We want to protect the ocean. We stopped, effectively—and this Senator takes credit for it, for having stopped plastic dumping and sewage sludge in the ocean. We have tracked medical waste so people are not just throwing things into the sea and having them wash up on our shore or other shores or the beautiful shores of Maryland, the State of the occupant of the chair.

So we work hard at protecting our citizens and at protecting our environment. And we are the leaders in the country in recycling efforts and we are well on our way to solving waste disposal problems.

So I want to make sure it is clear, in case it has not been to this point, that I am unalterably opposed to this amendment.

For most of the century until the mid-1980's, New Jersey was an importer of solid waste. As recently as the period of 1980 to 1982, more than 10 million tons of New York and Pennsylvania garbage was sent to New Jersey for disposal. As I said earlier, as a result, the landfills in my small, most densely populated State in the country filled up.

Today, New Jersey exports solid waste. But, this is not a situation we like or intend to continue. We do not like being dependent on other States for garbage disposal. We do not like having a gun placed at our heads and saying you cannot do this or you cannot do that or how much you are going to have to pay, to be held up essentially for blackmail. These are some of the conditions that are beginning to exist. So we want to get out of that business. We want to solve our problems within our State borders. But we need time to do it. We are on an excellent track to solve those problems and we are determined to do so.

New Jerseyans already pay more for garbage disposal than citizens of any other State in the Union. We want to be totally self-sufficient. But give us the time to do it. And though other States may not be in the same extreme condition, there are lots of States bordering on that unfavorable dilemma.

Self-sufficiency is a major component of New Jersey's solid waste policy. That is why our State is implementing the most aggressive recycling program in the Nation. We hold ourselves up as an example for others. New Jersey now recycles 52 percent of its total waste stream and over one-third of its municipal waste. Recycle. Our people are working on it. Everyone is aware.

Because of our densely populated structure, we have lots of apartment dwellers. It is more difficult for apartment dwellers to recycle. We live together in a crowded condition and we somehow or other get our message through to everybody. We are, I am proud to say, now recycling over one-third of our municipal waste.

The goal is to recycle 50 percent of our municipal waste and 60 percent of our total waste stream by 1995. That is not a long way away. We are talking about 3 years from now. New Jersey expects to be recycling 60 percent of its total waste stream. We are running just about as fast as we can and, therefore, when it comes to saying to New Jersey or to other States who need this capacity right now, we are going to send you off the cliff overnight, we say hey, wait a second; we are doing what we can, we intend to do better, and we hope that other States around the country will do as well as New Jersey.

We have added more than 1 million tons of disposal capacity over the last year and half, and that is really searching every nook and cranny that you can find, and as a result we have already significantly reduced our garbage exports down to 21 percent of our waste, not as is often quoted the more than 50 percent. That is again maligning our State and its effort. Twenty-one percent, not the fifty percent that is so often talked about.

By 1991, New Jersey had reduced its municipal garbage exports to 1.65 million tons, not the 5.5 million ton figure that is so often cited. And our commissioner of environmental protection and energy—that is one department—Mr. Scott Weiner, who used to work for me, testified to the Environment and Public Works Committee that New Jersey is ready to complete the job of ending garbage exports. Again, all it needs is some more time.

New Jersey is now evaluating additional applications for disposal capacity and recycling facilities that will further increase the amount of recycling. New solid waste facilities, together with additional recycling efforts, will assist New Jersey in obtaining its goal of self-sufficiency.

I have consulted closely with the New Jersey Department of Environmental Protection and Energy and the office of the Governor of New Jersey about the Baucus-Coats bill. Their analysis indicates that S. 2877, while reducing the level of exports of trash, will avoid the immediate disruption or environmentally damaging responses by our State. But it will require that New Jersey continue its effort to reduce interstate waste shipments.

I want this information clearly before the Senate and on the record: The fact is no waste from New Jersey is going to Indiana. My lips do not have to be read, but the record should reflect no more waste to Indiana from New Jersey.

The issue arose in this Senate again yesterday, and I introduced into the RECORD an article quoting the chief of the Indiana Department of Environmental Management's solid waste branch, stating that all parties concur that the existing interstate garbage enforcement agreement between New Jersey and Indiana is working and working well. And the Indiana official confirmed that waste shipments from New Jersey have ceased. In fact, according to the article, of the six landfills that receive the overwhelming bulk of waste imported by Indiana in 1991, only one exists today and receives any waste imports.

When Senator COATS repeated yesterday in the Senate that waste was being shipped from New Jersey to Indiana, I checked with the New Jersey Department of Environmental Protection and Energy to confirm my statement. The officials at that department assured me that: First, New Jersey is not currently permitting any waste, allowing any waste to be shipped from New Jersey to Indiana; and second, that Indiana has not informed New Jersey of any alleged illegal shipments.

Madam President, I ask unanimous consent that a letter sent to my colleague, Senator BRADLEY, and me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY, OFFICE OF THE COMMISSIONER,

Trenton, NJ, July 21, 1992.

Senator BILL BRADLEY,
Senator FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATORS BRADLEY AND LAUTENBERG: As you have requested, this is to provide you with a determination of the amount of solid waste which has been legally transported from New Jersey to Indiana for disposal.

New Jersey operates its solid waste through a regulated waste flow system where all waste is directed to specific points of disposal. Any solid waste shipments which flow outside of this system are considered illegal and subject to enforcement actions. This provides environmental controls to ensure proper disposal while also facilitating the financing of needed solid waste facilities through guaranteed waste and revenue flows.

Our records indicate that only 3,035 tons of solid waste were legally shipped to Indiana in 1991 (out of a total 2,717 million tons disposed out of state that year). This waste was entirely generated from one facility in Essex County and the last shipment to Indiana from this facility was in April 1991. An estimated 75% of the 3,035 tons consisted of bulky wastes (e.g., appliances, tree stumps, construction and demolition debris) (Type 13), 20% was non-hazardous dry industrial waste (Type 27) and the remaining 5% was municipal household solid waste (Type 10). Thus far in 1992, our records indicate that no solid waste has been legally shipped to Indiana.

As you recall, New Jersey has worked closely with the State of Indiana through a bi-state agreement signed in August 1991 by

Governors Bayh and Florio which provides for mutual investigative and enforcement actions to stem illegal waste flows. As stated by Governor Florio at the signing, no solid waste was being shipped to Indiana at that time and there are no plans to transport any more solid waste in the future. This agreement has already proven of value in the tracking of waste flows and the origination of solid waste. Furthermore, it has assisted Indiana to determine the source of wastes which end up in their landfills. To date, nine enforcement actions have been taken as a result of this agreement.

Indiana's records indicate that 109,000 tons were received from New Jersey in 1991. The Department of Environmental Protection and Energy solid waste enforcement unit is working together with the State of Indiana to investigate the discrepancy in our numbers. We have identified several explanations. First, there are cases of illegal transport. Also, New York or Pennsylvania waste has been legally hauled by trucks with New Jersey plates and considered New Jersey-originated waste by Indiana inspectors. Also, New York or Pennsylvania waste is being hauled to New Jersey transfer stations and then transported to Indiana. In such cases, the waste might be manifested as New Jersey waste though its source is New York. Significant amounts of waste from New York are transported to New Jersey transfer stations for processing, retransport and disposal out-of-state. We will know more as the investigation continues and I will keep your offices informed.

The initial conclusions, I believe, are that: (1) New Jersey has an active, accurate system that—maintains control over waste flow (2) no waste is legally going to Indiana at this time, and (3) New Jersey has worked effectively with Indiana to address these issues.

I thank you for your efforts in the Senate on this important issue.

Sincerely,

SCOTT A. WEINER,
Commissioner.

Mr. LAUTENBERG. Madam President, I will take the liberty at this moment of reading some excerpts from that letter. The date is today, July 21, 1992. And, by the way, the heading on this stationery is: "State of New Jersey, Department of Environmental Protection and Energy, Office of the Commissioner, Scott A. Weiner," who is the commissioner.

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Our records indicate that only 3,035 tons of solid waste were legally shipped to Indiana in 1991.

That is out of a far larger total.

This was entirely generated from one facility in Essex County—

To which the Senator from Indiana made reference—

and the last shipment from this facility was in April 1991.

We are talking about a year and a quarter ago.

An estimated 75% of the 3,035 tons consisted of bulky wastes (e.g., appliances, tree stumps, construction and demolition debris) (Type 13), 20% was non-hazardous dry industrial waste (Type 27) and the remaining 5% was municipal household solid waste (Type 10). Thus far in 1992, our records indicate that no solid waste has been legally shipped to Indiana.

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Unfortunately we get credit for material being directly from New Jersey. It is not. It could be, again, a trucking company, a transport company that hauls this material.

In such cases, the waste might be manifested as New Jersey waste though its source is New York. Significant amounts of waste from New York are transported to New Jersey transfer stations for processing, retransport and disposal out-of-state. We will know more as the investigation continues and I will keep your offices informed.

The initial conclusions, I believe, are that: (1) New Jersey has an active, accurate system that maintains control over waste flow (2) no waste is legally going to Indiana at this time, and (3) New Jersey has worked effectively with Indiana to address these issues.

And then there is a closing comment.

So the Senator from Indiana, when he talks about waste shipments from New Jersey, must respectfully note that the record is clear from our standpoint, and I hope that he will correct any assertions that he made to the contrary.

I also want my colleagues to note that New Jersey and Ohio are about to sign a similar enforcement agreement.

Madam President, let me summarize the arguments against this amendment.

The Coats amendment would hurt the environment. That is the end conclusion.

It would set back genuine efforts to establish a national, comprehensive solid waste policy.

The Coats amendment would disrupt communities all around the country. Forty-three States now export some waste. And Senators have to look at their own State's position and understand that though it is appealing to say, "Hey, don't ship it across the borders," it may be affecting the States they represent.

The Coats amendment would unravel a carefully crafted, responsible proposal to deal with a very complex set of problems.

Madam President, Senators should also be concerned about the precedent that this amendment would set. The Coats amendment would impose a radical solution that would abrogate legally binding contracts, something protected under the law by the Constitution of the United States.

Madam President, disposal of solid waste is a problem that we all share. It will affect each and every one of us in every State in this country. And we cannot solve the problem with quick-fix, shortsighted solutions which divide us with our particular State or regional interests, one against the other. That is not an appropriate way for this country to function. When we have national problems, all of us have to participate together in the solution. We do not want solutions that are going to cause greater environmental problems than we presently have.

Madam President, I hope that eventually Congress will be able to break the gridlock we are experiencing and enact meaningful legislation to promote recycling, reduce waste, and protect our environment from slipshod disposal practices. Meanwhile, Madam President, we have not yet achieved the goal. I hope in lieu of that agreement we will accept the reasonable proposal that Senators BAUCUS and CHAFEE developed. Although I feel the legislation before us goes somewhat further than it should, substituting artificial geographical restraints for sound environmental policy, I am willing to support it as it is at the moment. I am not willing to accept the amendments that have been offered.

I want to let my colleagues know, Madam President, I had planned to continue to expound at length about some of the environmental law that we in the environment committee had worked so arduously to develop, about things like clean air, clean water, safe water, and ocean dumping. I will forgo that pleasure, Madam President, in the interests of a compromise agreement which I hope will be struck in the next short while.

But I will conclude with a few words more. I hope the sponsors of this amendment will withdraw it, and join in supporting the bill pending before the Senate. But failing that, I hope we

will come to an understanding that some orderly process must be maintained before we shut down the transport opportunity that exists now for a temporary solution to the problem.

We have had extensive hearings and committee consideration on S. 2877, though it is not in that exact form right now. But it was dealt with in the hope of reauthorizing RCRA, which we still support.

Madam President, I, at this point, will yield the floor and, if no other Senator seeks recognition, suggest the absence of a quorum while we industriously approach a solution to the problem that will satisfy none completely. But I will remind my colleagues that the first few chapters here are of such interest, I do not want them to miss the opportunity to hear them. But for the moment, Madam President, I suggest the absence of a quorum.

EXHIBIT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 21, 1992.

Hon. NORMAN F. LENT,
Congress of the United States,
House of Representatives, Washington, DC.

DEAR NORM: Thank you for your letter dated November 4, 1991, expressing interest in EPA's position on proposed interstate waste transport legislation. I share your concerns about the impacts of such legislation on states that export solid waste, and I am happy to provide you additional information about this issue.

Several pieces of proposed legislation have been drafted that would authorize states to impose fees on the disposal of out-of-state municipal solid waste (including draft Senate bill S. 976, a draft bill released for comment by the House, and proposed legislative language from state associations).

The Administration believes that even if such statutes were consistent with the general intent of the Commerce Clause for national markets, they would be undesirable as a matter of policy, since they would create great economic inefficiency. Arbitrarily dividing waste management along state lines would discourage the selection of the least costly treatment and disposal options for solid waste. It would balkanize waste treatment and disposal, inducing duplicative investments in waste facilities and attendant losses to society, and would be antithetical to our efforts to build market-based incentives to address environmental concerns. Each state could be compelled to replicate facilities already built in other states. Moreover, environmentally advanced landfills and specialized treatment centers may be commercially dependent upon shipments of waste from more than one state. Accordingly, there may be economies of scale and environmental benefits to methods of waste handling that require multistate supplies.

Bans would arguably provide a direct penalty for failure of the state to assume its "fair" share of disposal capacity. This "failure" would of course be exceedingly difficult to measure and distinguish from simply higher costs of disposal in an area. One particular problem associated with banning out-of-state waste, however, is that access to out-of-state capacity may be the only short-term option for some generators. In such instances, illegal waste dumping could increase. Another problem is that access to out-of-state capacity may be the only environmentally sound option for certain wastes, in which case banning waste transport could be adverse ecologically.

Differential fees, if capped, appear to be intended to provide a degree of compensation to states for the potential adverse effects and oversight of imported waste. Many states are currently (and legally) collecting limited fees that represent the costs of waste management oversight. There are, however, problems associated with such fees. The use of broad-based fees to create incentives for specific jurisdictions to reverse political decisions not to site disposal facilities adds an unreasonable general burden to the economy. Such fees fail to allow the free market to function, and limit the availability of cost-effective waste management to all states, raising economic interference issues similar to bans and compacts.

The formation of compacts between states has been offered as another alternative. There is some precedence for such an approach. The State Capacity Assurance Program, imposed by the Superfund Amendments and Reauthorization Act in 1986, has proven that states can work together to provide capacity. On the other hand, formal compacts (as opposed to informal regional planning agreements) can be administratively inflexible, making it harder for current "have nots" to gain membership after providing new capacity.

The Administration has additional serious concerns about these options, for the following reasons:

Any authority to ban interstate waste transport would represent governmental interference in an existing commodity market, an activity to which we are opposed. In addition, sudden restriction of municipal solid waste movement could precipitate a serious disposal crisis in areas now relying on out-of-state disposal. One likely result of this would be an increase in illegal dumping. Another would be environmentally unsound facility siting.

Fees could reduce the viability of municipal solid waste recycling, in the state that enacted the import fee, although this might be offset by an equivalent or greater amount of recycling (though not necessarily cost-effective recycling) in the exporting state, while bans and compacts could eliminate it. This would place an artifical constraint on one element of EPA's integrated waste management matrix (source reduction, recycling, combustion/energy recovery, and landfilling) in which source reduction and recycling are generally preferred to combustion and landfilling because of their positive conservation benefits.

Allowing state restrictions on waste management capacity could also lead to construction of inefficient and more costly facilities, as well as unneeded capacity.

States should site only the disposal capacity needed by the marketplace.

If each state had to provide for its own waste management capacity, waste management would be more expensive throughout the nation. Interstate transport limits would severely reduce competition, increase the price of waste management, and would forego economies of scale, therefore making waste management costlier in both currently importing and exporting states over time.

Imposing limitations on interstate municipal waste transport would interfere with existing waste management contracts. This raises possible Constitutional issues and may lead to litigation against state and federal governments.

Furthermore, market-based incentives provide the answer to many of the issues associated with municipal solid waste. Local and municipal governments should make certain that the price charged for waste services reflects the direct and indirect costs, including the opportunity cost of land used, closure and post-closure costs, and other relevant costs. Variable rate pricing, where the price charged for waste services changes with the weight or volume that each household produces, can have numerous benefits. Our evaluation of such programs that "get the price right" indicates that the pricing of disposal services can dramatically reduce the volume of waste disposed and increase recycling. It is logical, therefore, that if the volume of waste decreases, there will be less need to export waste to other states.

Finally, I would note that the recently promulgated rule governing municipal solid waste landfills is fully protective of human health and the environment; over time, the public's reluctance to permit new landfills to be sited should abate as a result of these new highly protective standards. As you may know, states have been improving their solid waste laws and as a result thousands of substandard local landfills will close because of these laws and the new federal rule. The municipal waste previously disposed locally will in many cases be shipped to larger new regional landfills that may or may not be located in the same state. EPA recognized this outcome when developing this rule. Landfills will be more expensive as a result of these more stringent design standards. In general, landfills will need to be larger in order to economically justify the investment needed to comply with the standards. However, EPA believes it better for communities to ship waste further away to larger, safer landfills than to continue to dispose of it in potentially unsafe local landfills.

The Administration believes, for reasons set out above, that there should be no authorities created that operate as a ban on interstate waste transport.

I have attached additional information on interstate waste transport issues in Attachment A, where you will find a copy of the April 30, 1992 testimony addressing this issue. The testimony was given by Don R. Clay, EPA's Assistant Administrator for Solid Waste and Emergency Response, before the House Subcommittee on Transportation and Hazardous Materials of the Committee on Energy and Commerce.

You also requested information about instances when Congress has waived the Commerce Clause to permit states to ban or impose differential fees on out-of-state products. This information is provided in attachments B and C. Attachment B is a copy of a Congressional Research Service report on the Constitutional issues associated with the import of solid waste. Attachment C is an *amicus* brief providing information on statutes in which Congress has removed Commerce Clause limitations on State regulatory authority; additional examples are found in Attachment D.

I hope you will find this information useful. If we can be of further technical assistance on this issue, please have your staff contact James Berlow, Director of the RCRA Reauthorization Project, on 202-260-4622.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the President's program.

Sincerely,

DON R. CLAY,
Assistant Administrator.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I wish to speak first to the underlying bill and then make a couple of brief observations about the pending amendment.

KENTUCKY NEEDS THE AUTHORITY TO REGULATE OUT-OF-STATE WASTE

Mr. President, you may remember the now infamous voyage of the New York garbage barge back in 1987, which took its pungent cargo on a journey down our eastern coast. It came to symbolize our Nation's burgeoning solid waste problems. Since then, many communities have taken action to manage the waste they generate, but many have done nothing.

In New York alone, trash exports hit a record 3.8 million tons in 1991, more than double the amount of trash exported when the garbage barge was making its rounds half a decade ago.

Last week, a train carrying 2,000 tons of Northeast garbage was making the rounds throughout the Midwest. This so-called trash train tried to deposit its cargo into Midwestern landfills. Unable to find a taker, the train headed back home where its cargo was disposed of in New York's Fresh Kills landfill.

And, just yesterday, Mr. President, 19 boxcars of municipal waste were discovered near an abandoned mine in Muhlenberg County, KY. Local officials believe it is from the Northeast.

That is why we are here today. The solid waste problem continues. But unlike the communities back East that can deal with their garbage problems by exporting it to places far away, the folks in Kentucky can do little to keep trash out from other States.

Mr. President, my colleagues may be surprised to find out that in 1991, Kentucky, like New York, was a net exporter of municipal solid waste, but it hasn't always been that way.

My position on this issue is based on where Kentucky has been, and where Kentucky is going if Congress does not give States the authority to limit out-of-State waste. As recently as 1990, half a million tons of out-of-State trash was dumped in Kentucky, filling landfills and contaminating groundwater. The citizens of my State were powerless to stop it.

Unless Congress acts, my State may once again become the dumpster for the rest of the United States.

Today, it looks like we may have reached the long awaited consensus on interstate waste legislation. We may have finally reached a point where we are willing to give States the authority they need to control waste from outside their borders. I want to thank the distinguished Senator from Indiana who has pursued this issue with vigor and determination. Without his leadership, we could never have come this far.

I am proud to have worked closely with the Senator from Indiana since interstate waste first became an issue. Trash is not a glamorous subject, and it often seemed that we would never reach consensus on interstate waste legislation.

Back in 1990, I introduced a bill to allow States to charge higher fees for disposal of waste coming from other States. My rationale was that taxpayers in States with a surplus of landfill capacity should not be subsidizing States that have not invested in responsible waste management. While my bill did not pass the Senate, a similar measure that I cosponsored with the Senator from Indiana did pass the Senate as a floor amendment with 68 votes. Unfortunately, our language was stripped in conference.

I testified twice before the subcommittee on Environmental Protection, chaired by the distinguished manager for the majority. I discussed the necessity and urgency of passing interstate waste legislation for Kentucky.

Last September, I supported the Senator from Indiana's efforts to introduce an interstate waste amendment to the Department of the Environment Act. While Senator COATS eventually refrained from offering his amendment, the prospect of such legislation coming to the Senate floor effectively brought into focus the urgency of this crisis.

Later that year, I cosponsored legislation to give the United States more leverage to limit the amount of waste coming across our border from Canada.

In March of this year, I joined the Senator from Indiana again in introducing legislation to empower States and local governments to check the flow of garbage into their communities. Our innovative approach was yet another alternative we offered to solve the interstate waste issue.

And just 2 months ago, I was happy to be a part of the effort to refine the interstate waste legislation hammered out by the Environment Committee, to give States the authority to freeze trash at certain grandfathered landfills. This change has been incorporated into the bill before the Senate today.

Despite all of our combined efforts, however, unless Congress passes the Interstate Transportation of Municipal Waste Act, States like Kentucky will be prohibited by the so-called dormant commerce clause of the Constitution from protecting themselves from out-of-State waste.

The Supreme Court long ago ruled that the mere presence of the commerce clause prevents States from legislating in a way which burdens commerce between the States. While Kentucky has passed a comprehensive statute which has had the effect of limiting the amount of imported solid waste, it is not clear that it could withstand a constitutional challenge under this legal doctrine, particularly in light of recent court decisions.

The Supreme Court spoke directly to the issue of interstate transport of waste back in the 1978 case of Philadelphia versus New Jersey. In this case, the Supreme Court struck down a New Jersey statute barring the disposal of trash originating outside its borders. The Court ruled that waste, although not a valued commodity, is covered by the commerce clause, and that the New Jersey statute excessively burdened interstate commerce.

Since New Jersey's statute explicitly discriminated on the basis of State of origin, it was found to be "virtually per se illegal." In other words, since the statute explicitly barred out-of-State trash, it is presumed to be unconstitutional, unless the Government can show that the statute is narrowly tailored to achieve a compelling State interest. Mr. President, I could probably count on one hand the number of State statutes that have passed this rigorous legal test.

But that's not the last word Mr. President. Other Supreme Court decisions in other contexts indicate that States must adhere to a much more rigorous standard than the one enunciated in Philadelphia versus New Jersey. Back in 1951, the Court ruled in Dean Milk Co. versus Madison that discrimination against interstate commerce need not be explicit. In Dean Milk, the Court found a Madison, WI, ordinance requiring milk to be processed within 5 miles of the city's central square unconstitutional, even though it discriminated against both in-State and out-of-State milk producers. Thus, even if the statute does not discriminate on its face, if its effect is to burden interstate commerce, the statute must pass the high narrowly tailored standard and achieve a compelling State objective. The Supreme Court could easily apply this reasoning to overturn Kentucky's solid waste management plan which has effectively curtailed imports of trash from out-of-State, without explicitly prohibiting such imports.

Further, a State statute that discriminates in no way against interstate commerce must still justify its burden on commerce between the States. Many State statutes have been struck down by the Supreme Court simply because their effect was "so slight or problematic as not to outweigh the national interest in keeping interstate commerce free from interferences which seriously impede it."

As my colleagues can see, the Supreme Court has erected substantial

hurdles which States must surmount before they can impede interstate commerce. Unfortunately, the consequence is that it is virtually impossible for a State to restrict the importation of out-of-State waste without a specific delegation of Congress' plenary commerce power. Any solution, without such a delegation, is subject to a constitutional challenge.

That is why this interstate waste legislation is vitally important to my State.

As I said earlier, my State received half a million tons of out-of-State garbage in 1990. Since then, Kentucky has enacted a comprehensive solid waste management law which requires each county to plan for its waste management needs for the next 10 years. The new plan seems to be working fine. But it is likely that Kentucky's laws could fail the constitutional test, especially in light of the recent Supreme Court decision in Fort Gratiot versus Michigan Department of Natural Resources.

If there was ever a doubt on how the Court stood on interstate waste restrictions, it was laid to rest in this case.

In Fort Gratiot, the high court struck down Michigan's comprehensive solid waste management plan. Michigan's law was the model upon which Kentucky's plan was based. Although some differences exist with Michigan's law, Kentucky's solid waste management plan is now vulnerable to a constitutional challenge.

Today, Congress can make it crystal clear that States have the authority to regulate the flow of municipal solid waste into their State by passing this bill. Only with such an explicit delegation of this authority can States be certain that they are acting within a constitutional framework.

Mr. President, there seems to be a broad consensus today on giving States the authority to regulate the amount of municipal waste coming over their borders. I am hopeful we can pass this much needed legislation to allow local communities to control their own environments, and to plan for their futures.

For States, like mine that desperately need the protection afforded by this legislation, I cannot and will not support controversial or unrelated amendments that could jeopardize the passage of an interstate waste bill this year. Otherwise, small communities throughout Kentucky could be left vulnerable to huge waste imports by a legal challenge to my State's waste management plan.

If the members of this body truly want to resolve the interstate waste crisis, I urge them to oppose any amendment that does not deal specifically with the interstate transportation of municipal waste.

Support for any crippling amendment would probably mean no legislation at all, which certainly would leave States such as mine unprotected. So I hope we could avoid amendments that are not directly related to the subject of the legislation before us.

The Coats amendment, which I understand is the pending business, is certainly relevant and closes a giant loophole in this bill. The bill, the underlying bill, prevents Governors from exercising authority to stop out-of-State trash if it would interfere with private contracts. The problem, Mr. President, is that no one knows how many private contracts are out there. There could be 1 million of them. If we do not remove the exemption for private contracts, trash could still pour through the loophole in unprecedented amounts. It could well defeat the entire purpose of the legislation.

Because of this, I would support striking the language of the bill which prevents interference with private contracts. As Senator COATS has indicated, it is constitutional. With the Chafee second-degree amendment, the Coats amendment maintains the status quo and does not interfere with State laws or State constitutions. I think the Coats amendment and the Chafee second-degree amendment will strengthen the bill and be in the best interest of making sure that the underlying legislation does what it is intended to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, it is hard to get excited about the legislation that is before us. I think its very presence underscores some of its problems. For a long time this issue, garbage, has been raised periodically by any number of Senators, most of whom want to find a resolution to the issue.

For a number of years I know the Environment and Public Works Committee has worked very hard to try to get a solution to this problem on the larger issue of RCRA, the Resource Conservation and Recovery Act. Throughout these discussions—which periodically would degenerate into amendments offered on the floor to various appropriations bills—I have called for a comprehensive and fair approach. Comprehensive because, frankly, we are addressing an industry as old as society itself—garbage.

Garbage moves in commerce, whether we like it or not, just like most other goods. It is not some kind of special element. It is not some kind of special force or unique property. It is an object of commerce, and not unlike grain or steel or consumer goods.

The fact is that over 80 percent of all States export garbage. Over 80 percent of the States in this country take garbage that their citizens produce and export it to another State that accepts it. An estimated 15 million tons of garbage is shipped interstate every year—15 million tons every year goes from one State to another State. Sixteen States and the District of Columbia export more than 100,000 tons annually.

So what does all of this transport of garbage across State lines imply? What it implies is obvious. This is very big business. Some people are making a lot of money taking garbage from one place and transporting it to another place.

The solution to this garbage crisis should be fair because change is not going to be painless. An arbitrary, capricious policy will cost jobs, will create uncertainty and force localities to face 11th hour changes with few alternatives and no guidance.

Clearly, given the amendment that is pending, we have abandoned the concept of a comprehensive solution. In fact I think we have the opposite. It is a kind of rifle shot that allows a Governor to abrogate contracts that are already in existence, a contract that was entered into in good faith by a party in one State and a party in another State—a contract, for example, that would say that citizens of Minnesota could agree to send their garbage to citizens of South Dakota, or Wisconsin, or New Jersey for a 10-year period if someone in New Jersey, or Wisconsin, or South Dakota agreed to accept that garbage. That would have been a contract entered into by two private parties. What this amendment does is to allow the Governor of the State to abrogate that contract.

Clearly this only deals with a very small part of the overall issue. I would argue that the Environment and Public Works Committee has tried to move a more comprehensive bill but the various interests involved in the business have blocked a comprehensive bill.

So today the Senate is considering whether we should leave the loaf and take a bite instead. I hope that we will not.

Let me make one thing that is fairly obvious even clearer, and that is that in New Jersey we are activists on the issue of garbage. Our waste exports have been dropping and our recycling rates are increasing. We have sited new waste disposal facilities. In most States there is gridlock, but not in New Jersey. We have reduced waste volumes. Our statewide mandatory recycling program is really state of the art.

The bill has plenty of stick, though, for States such as New Jersey that do find themselves in a position of exporting garbage. It has a stick but no carrot.

We need help in finding new answers to the old problem, and I do not see that in this bill. We need encourage-

ment for packaging of products that are easy to reuse, to recycle, to compost. You will not find any of these subjects addressed in this bill.

What you will find in the bill is real enough, though. Under the bill, after it becomes law, a Governor for the first time will be able to make new landfills completely off limits to out-of-State garbage. This is not a small change. This will lead to a dramatic change in the way municipal solid waste is handled.

It will probably do nothing, however, to improve the environment. It will not make new jobs. In fact, the opposite could occur.

But the path is clear and the passage of this bill is clear. That is that each State is going to have to figure out how it manages its own solid waste, whether that State is one of the least densely populated States, such as the State of the manager of the bill, Montana, or whether it is one of the most densely populated States, such as the one represented by the minority manager of the bill, Rhode Island, or my own State. States are simply going to have to come to terms with the amount of solid waste that each produces and manage that solid waste.

What we really are asking is that the transition be an orderly one. There is no question about the direction that we are headed. But it is also clear that the attitude of cutting it off immediately is an attitude that will help no one. The fact of the matter is that garbage is a tough issue. But surely it is not a rationale for another war between the States. New Jerseyites, as I tried to make clear, are no strangers to solid waste imports. Up until 1988, in fact, more waste came into the State of New Jersey than left the State of New Jersey. New Jerseyites did not appreciate out-of-State garbage and tried to shut off the flow, and particularly tried to shut off a flow of Pennsylvania's solid waste.

I remember in one of my early events as a Senator going to all 21 counties in the State of New Jersey in 1 day. It was an effort to demonstrate how small the State is, how accessible it is, and how diverse it is. One of those stops was at a gigantic garbage dump in, I think, Gloucester County. There, the TV cameras paused with me standing at the dump talking about the trucks that were passing every 30 seconds, each with the name on the side of the truck "The Philadelphia Sanitation Solid Waste Disposal Department." In other words, the Philadelphia garbage was being dumped in New Jersey, and dumped in New Jersey, and dumped in New Jersey.

So New Jerseyites are not coming new to the problem of solid waste, nor are we new to the thought of not liking solid waste coming from out-of-State. We would like to have blocked that at one point. But there was only one thing that intervened, and that is the commerce clause of the U.S. Constitution, not an insignificant issue.

I mean there was a time when you went from one State to another State—many, many, many years ago in the infancy of our country—that there were tariffs charged among the various States. The purpose of the commerce clause is not to impede in interstate commerce, not to allow the Governor of a State to say you shall not be able to bring into my State lumber or steel or a particular kind of lumber or a particular kind of steel. The interstate commerce clause is a very fundamental aspect of our national economy. And when we get into saying that we put an impediment in the way of the flow of those goods, we are essentially moving more toward a fragmented political economy.

So when we in New Jersey saw Pennsylvania's waste coming in, or New York's waste coming in, and wanted to stop it, we came four square against the commerce clause of the U.S. Constitution. What happened is no mystery. Our landfills filled up with the waste from other States. Many of those landfills were closed because they were environmentally unsound. People were dumping everything in these solid waste landfills. They were dumping the most toxic materials. They were dumping rubber tires. They were dumping wet garbage. They were dumping every possible imaginable thing. Our landfills filled up with the garbage that came from our neighboring States.

In the 1970's, New Jerseyites used over 300 landfills statewide, 300 landfills in one small State, many of them being filled up by out-of-State garbage. A lot of those landfills were substandard, environmentally unsound. Today, over half of New Jersey's garbage in solid waste ends up in just 12 landfills; from 300 landfills to about 12 landfills.

For the last decade, we in New Jersey have struggled with this solid waste problem, and I might say we struggled with it in a way that most States have yet even to consider. For a number of years in the 1980's we found that people were passing the buck. State government was passing it to the counties, the counties were passing it to the public utility commission, and the public utility commission was passing it back to the county. Very little got done. But at least people began to see that business as usual, which was inaction, could not be a prescription for the long-term problem, because the landfills were filling up, and the landfills were closing. Therefore when we used the word crisis, we in New Jersey know what that means.

In the last decade the cost of trash disposal in New Jersey has gone up no less than 600 percent—600 percent in one decade; to more than $110 per ton.

Imagine someone who used to put their garbage out once a week and somebody would come and pick it up. It is a little bit like the water charge in many places in this country; you never even noticed it. Then on top of higher college costs, on top of higher health care costs, on top of higher State and local taxes, now you have a total bill that amounted to nearly $1,500 over a year possibly. It was a startling figure to people, more than $110.

What is the point to be made? That when you collect garbage, and you do not have a nearby landfill to put the garbage in, you have to pay higher costs to take the garbage a further distance to another State, to another private landfill, in a contract between two private entities, the transporter and the private landfill. Or you have to pay more to build a recycling center, a composting process, or an incinerator.

So whatever we say about the cost of disposing of garbage, we know one thing: It is going to be more expensive nationwide. In New Jersey we know that well because, as I said, the cost of disposing of a ton of garbage has gone up 600 percent.

Anyone familiar with the solid waste issue knows there is no obvious solution or a miracle technology at issue. Suddenly there is not going to be someone who invents a liquid that you can spray on garbage that will make it disappear. You have to take it somewhere, and you have to deposit it, and that costs money. Of course siting also presents enormous problems. Some of my colleagues may not be able to appreciate the difficulty of creating new waste management facilities in a State such as New Jersey, where on average 1,000 people live in each square mile and in some places 40,000 people live in each square mile. Imagine 40,000 people in a square mile—the phrase not in my backyard takes on new meaning when the backyards are jammed together so closely. That does not mean not in my small municipality, where 3,000 people live in a county or where there are 5 or 6 small towns with 6,000 or 8,000 or 10,000 people, but in a State where 1 county will have people living in a density of 40,000 per square mile. This is a total order of magnitude difference.

It is no secret that New Jersey, as I said, now exports quantities of solid waste. Frankly, I am not proud of it, and New Jerseyans are not proud of it, but we are not sitting back and counting on the wide open spaces of other States as our long-term waste solution. As I said, New Jersey is being aggressive. We are being responsible. Waste exports are decreasing dramatically.

New Jersey's program defined the term "state of art" for statewide mandatory recycling programs. We have made waste reduction and recycling first order priority. Sixty percent recycling is the goal in a few years. We are doing outstanding work on plastics recycling and waste composting. In this

body, I have gotten funds appropriated for recycling tires and plastics and recycling lead batteries. We are on the cutting edge. The fact of the matter is that you cannot turn a switch and suddenly recycle everything. You need a transition period, and that is what our hope was for this legislation.

Again, the point I made earlier: municipal solid waste disposal is an industry. People make money out of it. It is not some kind of public service. It is an industry where people make money. The relationship that exists between citizens, haulers, and disposal facilities is driven by economics and driven by custom. Both of those are important. If you have a State filling up with garbage, it is going to cost you more. That is economics, either to build a recycling facility or to ship it to a distant State.

It is not going to be the same as it was. It cannot be the same. It is going to cost more, as each of us eats yet another hamburger wrapped inside cellophane, placed in a plastic package inside another plastic package that we throw out and expect somebody to get rid of. As long as we are consuming things as rapidly as we are in this society and throwing things out, they have to go somewhere. They have to be disposed of, and that will be a function of money.

If we can get a recycling industry where people can make money taking your wrappers and newspapers and your goods, metal cans, and so forth, that you throw away and recycle those, then we are going to begin to get something that works. We are going to begin to get something that accelerates. We are going to begin to make money cleaning up the mess. Now we only make money moving the mess around from one place to another.

So economics is going to drive this process, and so is custom. There is not a school in New Jersey that I visited since New Jersey began mandatory recycling that the younger the student is, the easier he or she talks about recycling. When we started mandatory recycling in New Jersey—where you had to put different colored glass in different bags, or you had to separate your metal cans from your wet garbage—you would have thought, initially, that people could not possibly adjust, that this would be an act of behavior modification that could not take place. Yet, I find when I visit schools, if kids are in high school, they have been at it for a couple of years, and if they are in grade school, they have known nothing else. A kid will raise his hand from time to time and say, "Senator, what should I do to get my parents to recycle?" I say, "Talk to them." It is pretty easy, but that will require a change in custom. There was a time in America, when you were driving along in your car and drinking your Pepsi or eating a hamburger or cookies, and when you were finished, you threw the wrapper out on the road. You threw it right out on the road.

Over a period of time, in many places, people learned maybe it is not a good idea to throw it out on the road. When it comes to garbage, all we have been doing is throwing it in a bag and putting it out on the street, and we expect somebody is going to pick it up and make it disappear. If you are going to have to change customs and recycle more, you have to be more meticulous in separating this garbage and putting this in one place and that in another place. It is not a terribly serious burden on one's behavior, it is a small change, but it has to take place over a very large number of people. That is what I mean when I say that economics and custom both have to change. It is going to be more expensive, and you are going to have to be a little more meticulous in how you get rid of your solid waste.

Waste management has been protected by the U.S. commerce clause, as I tried to say, because that is just what it is—commerce. It is like trading grain, trading television sets, trading anything else. When we in the Senate consider alternatives to the status quo, we have to recognize this fact. It is just commerce.

The State of New Jersey does not haul garbage anywhere. Let us make that clear. The State of New Jersey does not pick garbage up and deposit it in anybody else's State. Literally hundreds of private citizens and companies are involved in that process. A company picks up my garbage and goes to Illinois or Pennsylvania, or to various States. An individual makes a deal with another individual, and that is what the garbage business is. As much as anyone wants to change this system, sudden change will not occur without potentially enormous costs.

New Jersey, obviously, exports municipal waste. As I said in the beginning, so do 42 other States. How would those 42 other States be affected? What about hazardous waste—if we are going to allow a Governor to abrogate contracts on solid waste contracts between two individual private parties, what about contracts on hazardous waste? 700 million pounds of hazardous waste are shipped interstate every year. What about hazardous waste? Why just for garbage? Do you want hazardous waste in your backyard? Would you not want your Governor to be able to say: No, no, no, I am not going to allow any hazardous waste to come into my State.

What about nuclear waste? Who wants that in their backyard. Do you? I do not think you do. Do you? You do not want it in your backyard. Let the record show that the pages are all shaking their heads and saying, no, we do not want nuclear waste in our backyards, which confirms the intelligence of the pages in the U.S. Senate.

Should we allow the Governor of your State to say: No, no nuclear waste in our backyard; we do not want it in our State? The Governor of every State should have the authority to say: No nuclear waste in my State. The Governor should have the authority to say: No garbage in my State either. No hazardous waste in my State, no nuclear waste in my State. And pretty soon, maybe what we should be able to do is put a tax on anything that comes into our State. Want to solve a lot of the budget problems in the various State capitals in this country? Let us forget the commerce clause, and let them tax things that come into their State that they want to tax.

This little exercise, I hope, illustrates the need for caution and the need to act with prudence and foresight when it comes to deciding whether we are going to give this kind of authority to a Governor, particularly when, in many cases, these things can be worked out among Governors. You have regional compacts, and you can have bistate compacts and varieties of things. Why do we want to intervene and, at the Federal level, essentially abrogate a fundamental aspect of the commerce clause? I do not think we want to do that. A sudden change in the rules governing the export of solid waste will create major problems.

It could create major problems in my State of New Jersey. A ban on waste exports or all sorts of new barriers to exports may make for a good press release at the door of my State. Whatever your State might be, I stand at the door. I stopped the solid waste from coming in.

Then let us draw a caricature of that person who is sending the waste to your State. Make it funny if you can. Make it horrible. Make it this terrible person who is sending all this garbage into your State, and then you stand there in a nice blue suit, red-striped tie, at your door in front of the television camera and say, I stopped the garbage, elect me. That is, until next year, of course, or the year after that, or the year after that, when you want to export the garbage because your State is filled up and now you need to export. But that will be down the road. I will not have to worry about that. I will be reelected.

And that, of course, is why we are debating these issues on the floor of the U.S. Senate. Not that the RCRA does not deserve to be reauthorized and modernized. It surely does. But this particular amendment that gives the Governor the right to abrogate a solid waste contract is really a step backward.

This amendment is not only not good policy in terms of the commerce clause, it is also not good for the environment. Let me be clear. If New Jersey waste or any waste is shipped to dumps that are substandard dumps

that are leaking, dumps that are a threat to human health and the environment, it has to be stopped.

We have an obligation to change the way we have been living if we intend to protect our planet. What has garbage got to do with the global environment? You know there is the environment that you can talk about globally. There is the environment that you have to talk about locally. And that has everything to do with what you eat, consume, and what you do with your people and how you handle garbage in your town and in your State.

Now, we have to act, when we find a dump that is leaking. We have to act by closing the facility or forcing it to upgrade. Remember in my State, earlier I said a decade ago we had 300 dumps, 300 dumps. Now half of it goes to 12 dumps. What happened to all the other dumps? People were making money, they were accepting garbage, except the dumps were polluting, the dumps were leaking into the water supply, the dumps were full of all kinds of toxics. And the environment frankly does not distinguish between east coast garbage and west coast trash.

Last summer, the Environment and Public Works Committee had a hearing on the RCRA bill. At that hearing the Governor of Indiana testified, as did the junior Senator from Indiana, about the flood of east coast waste coming into their State. Keep that waste out. I am at the door, blue suit, red-striped tie. I stopped the bad garbage from coming in. All you people who produced garbage in our State, that is not bad garbage. When it comes in from the outside it is bad garbage.

In preparation for that hearing, I asked my staff to determine how much New Jersey waste actually goes to Indiana, since that was the kind of motivating factor here. They checked with the New Jersey environmental authorities, and the answer that came back was kind of surprising. None. None. No New Jersey solid waste moves legally to Indiana. Legally. Illegally, probably some does. Illegally, probably some comes from New York to New Jersey. Illegally, some goes from Wisconsin to Minnesota. It is business. Some of it is legitimate; some of it is not.

You say, did you, Senator, you said legally? It is an unfortunate fact that solid waste at times moves illegally. We all have seen the television expose, where, for example, an illegal mover takes the solid waste, collects it in liquid form, and giant trucks scoot across the State line and spray it out on the side road.

Garbage is no different. Some of it moves illegally.

So I made a suggestion: Instead of arguing together, why did not New Jersey and Indiana coordinate environmental agencies and crack down on these illegal dumpers? Whether that was the reason, or whether the States had their own initiative and took it, they got together, to their great credit, and because of a cooperative enforcement pact agreed to by the Governor of New Jersey, Governor Florio, and the Governor of Indiana, Governor Bayh, illegal dumpers have been turned back from Indiana.

Under the agreement they will and have been prosecuted in New Jersey, and right now New Jersey and Ohio are in final negotiations for a similar bi-State pact. Those are positive changes. That is really dealing with the problem. The problem is not the private firm in New Jersey that makes the agreement with the private firm in Pennsylvania to take the garbage for 5 years while we build our recycling and waste disposal facilities to handle our own garbage. The problem is the illegal garbage that moves. And here was an agreement that works, and another agreement in the making that will work.

It is good policy. The Governors are working together. Why can we not?

Frankly, we need to look beyond politics. If our goal is good policy we need to consider what actually can happen. And that is no small point.

Historically, New Jersey became a waste exporter, not because of irresponsible behavior but because we saw dumps that were threats to the environment. So we closed those dumps, and could no longer deposit the garbage in New Jersey. We closed them. They were threatening our environment.

Other States may well find themselves in the same circumstance if they move aggressively. So today people who are on the floor saying let us stop the import of garbage into our State might find when the environmental regulations are toughened up—when the Democratic administration takes over and begins to enforce the law—that a lot more dumps are being closed in their State. And they might find themselves in the same position as New Jersey did in the late 1970's and early 1980's, when there was no place to put the garbage that their people produced inside their State, no landfill, because they had been closed, because of environmental degradation, no recycling or waste disposal facility, because nobody approved a bond issue or got the money or built the facilities, and their only recourse is going to be export the waste. But, of course, if this amendment passes, a Governor at the State line can stop that and let another State, as New Jersey will be, back up in its own garbage.

So it would be unfortunate if action taken by the Senate results in delay or actions counter to the environment and to the quality of the environment.

I say this is not a hypothetical point. If new rules were imposed suddenly, it is quite possible that New Jersey would be forced to reopen closed substandard landfills. Few options would be available. Few options would be available to us.

I cannot believe that it is the intention of the Senators from other States—let us take Pennsylvania, since that is the closest—to force New Jersey to reopen those landfills right next to the shore where Pennsylvania residents come to enjoy the ocean in the summer.

I cannot believe that is the intention of those who support this amendment. That might be the result. "Reopen those landfills. Who cares about the environment? It is not in our State." But you might spend some time in the State where the landfills are reopened, and it might create some problems. I cannot believe that is the intention of this amendment. That could be the result.

Mr. President, it will be said today that my State is a leading waste exporter. Keep in mind that we are also leaders in recycling. No other State currently recycles over 40 percent of its trash in a mandatory statewide recycling program. We have dropped our waste exports by 30 percent in the last 2 years.

Likewise, I am unaware of any other State that is in pursuit of a recycling goal of 60 percent by 1995. All the waste that is produced, 60 percent recycled by 1995. That is why the kids I was talking about in the seventh grade and eighth grade have become so familiar with putting the green bottles and brown bottles, the clear bottles, putting the trash, putting the cans all in separate places so that they could be more easily recycled. Because that is a State policy now. No other State is doing it.

In Washington, DC, well, sure, we have recycling programs and elsewhere. If you want to, you go on Saturday and meet all the other yuppies who are putting out their clear bottles, their wine bottles, their beer bottles, their solid waste, and their cans. You can do that if your peer group finds it to be appropriate behavior. But you do not have to, of course. You do not have to. You can dump them all in your garbage. It is your choice.

Not in New Jersey. In New Jersey, you are required to recycle. In New Jersey, if you do not recycle, you can be punished.

The point is we have done a lot. No other State has done as much. And we are in unchartered waters. Our costs have gone up 600 percent in a decade. What happens when other areas begin to recycle? Will there be markets for these goods?

I remember one of the things that happened in the last couple of years. I got a little grant for a firm that was recycling. I visited the firm right on the banks of the Passaic River. It was an enormous paper recycling facility. The man told me:

Well, if we can just get over the hump, we will be able to use newspapers over and over

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and over again. We will not have to cut down trees, not nearly as many trees. We will be able to reuse. But we have to get to the point, the critical point, where we can begin to make money.

These issues are completely relevant to the ability of the States to plan for the future and for an effective nationwide solid waste strategy.

Does a radical shift to restrict waste transport promote recycling? Let me ask that question again. Does a radical shift to restrict waste transport promote recycling? It seems doubtful to me that it would promote recycling.

Will such a change mean a cleaner environment? Doubtful again; probably not.

In my State, it might result in reopening landfills that were closed because they were environmentally dangerous. Interstate waste transport is a small part of the waste issue, a very small part. It is only one piece of a very complex puzzle.

If Congress pushes markets hard to accept and use recycled materials, New Jersey could meet its recycling goal pretty easy. That is what the Congress should be doing, trying to create a national market for recycled goods. Create a national market for recycled goods and you get results. Trying to set up barriers to State limits will only produce paralysis and regression, in my opinion.

By meeting those goals, the volume of exported waste all but disappears. In other words, we recycle, we do not export. It is as simple as that. Sixty percent recycling takes care of most everything we would export and do export. It is true nationwide. And if it is true in New Jersey, it is definitely true in Minnesota and definitely true in other States.

To separate waste transportation from waste management and waste reuse, that is recycling, is not only illogical, but it is inappropriate. This Senate has to keep these issues in context. And a comprehensive approach is the only approach that is going to work.

It makes a nice press release, makes a nice TV ad, but it will not solve the problem to allow the Governor of a State, as this amendment proposes, to abrogate contracts between two private parties.

This spring, the Senate Environment and Public Works Committee acted appropriately by considering waste transport in the context of overall waste policy. They proceeded steadily and correctly with a comprehensive RCRA bill. But today we take a giant step backward with this amendment.

Mr. President, we need the tools and ability to reward as well as to punish. If we start to move a bill that is one-sided, I think that probably there will be every opportunity taken to balance it.

One place to begin is with the thoughtful review of the committee's own reported bill, S. 976. If the Senate feels it is necessary to adopt the amendments that are punitive to our State, it would be completely appropriate to present the Senate with a broader version that I believe is central to the debate of this issue.

So, Mr. President, the hour is late. I have been speaking for nearly an hour. I am prepared to go on for another 5 or 6 hours, if need be. I know that those who are listening in the Chamber will be riveted with the thought that I could go on another 6 hours on the issue of garbage.

So let me suggest an absence of a quorum at this point so that I might take part in the negotiations that are taking place between those who would inflict upon our State the inherently unfair limitations of this kind with those, such as Senator LAUTENBERG, who are trying to negotiate some common sense way out of this problem.

New Jersey, once again, is not asking to be let off the hook. We have to deal with our own solid waste. But allow us to transition in a rational way that is not totally disruptive of our economy and totally disruptive of what our State says it needs to be able to transition efficiently and effectively.

I suggest the absence of a quorum and will prepare further comments in the interim.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have just met with the managers of the bill, Senator BAUCUS and Senator CHAFEE, and they have advised me that intensive negotiations have been taking place for several hours between themselves and involving several other Senators and staff members in an effort to reach agreement on the pending amendments. I am advised that while some progress has been made no agreement has been reached and, further, that there does not appear to be any prospect that agreement will be reached this evening. That is, no useful purpose would be served by remaining in session awaiting agreement and action on that agreement because no such agreement appears possible this evening.

Accordingly, acting upon the information received from the managers, I believe there is no purpose served in the Senate remaining in session and there will be no rollcall votes this evening. The Senate will shortly recess until tomorrow morning at 9:30 and will return to consideration of the pending bill at 10:15 tomorrow morning.

Under a previous order, as printed on page 2 of the Senate Calendar of Business, a cloture vote on a motion to proceed to the energy bill will occur tomorrow, Wednesday, at a time to be determined by me following consultation with the Republican leader. I will consult with the Republican leader tomorrow and it is my intention to proceed to that cloture vote later in the day tomorrow. I want to give the managers of this bill, during the entire day tomorrow, the opportunity to try to move this bill.

As I have stated on several occasions publicly, most recently this morning, the Senate has a very large number of important bills to consider and relatively little time to do so. I had originally agreed to permit consideration of the pending bill for the 3-day period of yesterday, today and tomorrow, in the hope that the bill could be completed in that time. If that proves not possible, then we will proceed to the cloture vote on the energy bill and I cannot now assure any Senator if or when we will be able to get back to the subject matter of this bill. I will do my best to do so. But we will have, at the close of business tomorrow, devoted 3 days to the subject; the first day for debate only; the second two for consideration of the bill and amendments. Of course we are now at the end of that second day and no votes have yet occurred. Other than the negotiations under way which I hope will produce the agreement—but other than that, no progress has been made on the bill. Given the other important matters that the Senate must consider, several of which I identified in my remarks this morning and in other public statements, there is simply no way at this time to provide assurance that we are going to be able to get back to this subject at any time. So if there is a time to complete action on this bill, the time will be tomorrow, before we turn to the cloture vote on the motion to proceed to the energy bill.

Mr. President, as I indicated, we will return to session tomorrow morning at 9:30 and return to the bill at 10:15.

I encourage my colleagues, those involved in this matter to attempt, if possible, to reach an agreement to permit a disposition of this bill during the day tomorrow.

Mr. COATS. Mr. President, will the majority leader yield for just a comment?

Mr. MITCHELL. Yes, certainly.

Mr. COATS. Mr. President, I would like to inform the majority leader that negotiations have been going forth in good faith. They have been intense. Unfortunately, we have not been able to resolve the issue at hand which the Senator from Indiana believes is absolutely critical to this issue. We thought we were close, and maybe we are close and we may find out overnight that we are able to resolve this

issue. I hope that if that is the case, we can within the time the majority leader has indicated will be available tomorrow, bring this to a successful conclusion. I think that is the clear will of the majority of the Senators in the Senate. I am hoping that we can do that.

I appreciate the majority leader's consideration for this measure in the granting of virtually three full days to debate. I regret it has taken so long and so slow. Hopefully, overnight we can resolve the matter and move forward tomorrow.

Mr. MITCHELL. I thank my colleague and I express, again, my hope that it will be possible to complete action on this bill tomorrow.

Mr. LAUTENBERG. Mr. President, if the majority leader will yield just for a moment to permit me first to thank him for his patience and encouragement to work this out.

We have, I think, gained on it significantly. I believe that we are rounding third base, but we have tripped a few times and are trying to pick up the momentum. We will do whatever we can this evening, I hope, to complete action. I think the majority leader understands, while the Senator from Indiana has a very specific interest in halting the disposal in his State, I cannot and will not, as he knows and I am sure the majority leader knows, put my State in a position where programs that are underway are short cut by cutting them off.

So these are very difficult discussions, but we will plow through. I want to thank Senator BAUCUS for his leadership and patience on the issue as well, and we will try to pick up in the morning.

Mr. MITCHELL. Mr. President, I thank my colleagues. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION FOR DEMOCRACY

Mr. HEFLIN. Mr. President, 2½ years ago, I came to the Senate floor to share with my colleagues news of a new nonprofit organization which had just been formed in Mobile, AL. Just 3 months after the velvet revolution in Czechoslovakia, that newly established volunteer organization, Education for Democracy/USA, began sending its first volunteers to teach conversational English in that country.

Since that time, Education for Democracy has sent approximately 1,000 volunteers to more than 100 cities and towns throughout Czechoslovakia. During this time, the organization has operated on a total of $58,213. In other words, for about $60 per volunteer, Education for Democracy has been supplying vast numbers of American volunteers to the people of Eastern Europe. I doubt that any other program has done so much so quickly with so little. I repeat: I doubt that any other program has done so much so quickly with so little.

This organization was formed to respond to a direct appeal for assistance from Czechoslovakia. That request came from Pavol Demes, then Director of Foreign Relations for the Ministry of Education in Slovakia. Having recently spent a year living in Mobile, AL, and working at the University of South Alabama, he called Ann Gardner with whose family he had lived during that time. He let her know that his country badly needed teachers of conversational English and needed them as soon as possible. Thus, Education for Democracy/USA was founded, based on a similar program in Canada. There was no waiting for funding, no decision to send the people of Czechoslovakia something a little different than what they had requested, and no time wasted in getting this program running. As one of the ministries in Czechoslovakia later put it in a letter of appreciation to Education for Democracy:

> In the days following the restoration of democracy to Czechoslovakia in November 1989, many individuals came * * * and promised to assist our students. But while they promised, you quietly and effectively organized a creative program to directly assist language instruction.

By any standard of measurement, this program's success has been astonishing. To start with, the program draws on the varied talents of a wide spectrum of people. EFD volunteers come from all 50 States, possess a broad array of professional and academic credentials, and range in age from 21 to 70-something. Individually and collectively, these volunteers have helped to put a human face on democracy in an area of the world where the people had been taught for decades that such a face was ugly, evil, and unkind. As one university professor where EFD volunteers had been working said:

> You have done an excellent job as far as teaching English is concerned. You have learned something about Czechoslovakia and we have got to know you. I would like to tell you that you have been the best counterbalance for the unfriendly picture of Uncle Sam who, for our mass media, had been the representative of the United States for the last forty years.

One of the hallmarks of this program is that aside from the approximately 20 hours per week that volunteers spend teaching English, they tend to become very involved outside of the classroom as well. One woman teaching English in a hospital has put her public health background to added use in her spare time by working with a local women's group to help increase awareness of women's health problems. A retired couple working and living at a university hold an open house in their room 3 nights a week where students can come by and practice their English by talking about whatever topics interest them. On such evenings, this couple always has a large crowd. Yet another volunteer hosts a regular, one-half hour television show in English.

As these examples indicate, EFD volunteers are using their energy, creativity, and enthusiasm to make a real difference while abroad. Moreover, even after they return, they continue to make a difference in the lives of the people they met in Czechoslovakia. Dozens of former EFD volunteers have helped their friends in Czechoslovakia come to visit them in the United States. They have opened their homes to their friends, in many cases helped them financially to make the trip, and in a number of cases, arranged for them to work in law offices, on farms, and in universities to complement their study and work at home. The relationships which are formed between EFD volunteers and their students are some of the greatest proof that exchange programs work.

Part of the reason why this program has attracted such dedicated, effective volunteers is, I believe, because it truly is a volunteer program. In order to teach in Czechoslovakia, the volunteers have all made some sacrifices. They have taken leaves of absence from or quit their jobs, left their loved ones and the comforts of home for a period of time, and paid their own travel expenses, insurance, and teaching materials. Once in their assignments, volunteers receive housing in dormitories or private homes and some meals from their host institutions. They also receive a monthly living stipend the approximate equivalent of $80 U.S. per month. Clearly, this is not a program for the fainthearted. It requires committed, unselfish, and adventurous people who are willing to immerse themselves in a completely different way of life.

Volunteers agree to teach wherever EFD believes their talents can be used most effectively. Among the places volunteers teach are elementary and high schools, universities and trade schools, hospitals, businesses, and government agencies. These assignments are not concentrated only in the more well-known cities of Prague and Bratislava. They are spread throughout the country to schools and businesses in smaller cities like Banska Bystrica and Karlovy Vary and in rural outposts

such as Humene and Trebisov, both of which lie less than 50 miles west of the border which Czechoslovakia shares with the former Soviet Union. In many of the smaller cities and towns, EFD volunteers have been the first Americans many of the local citizens have ever encountered and the only ones who have come to assist them even 2 years after their revolution. Yet even there, pro-American sentiment runs high as it does throughout the country. I have heard stories of EFD volunteers being asked for their autographs and of their headmasters knitting them sweaters. Volunteers say they quickly learn not to compliment their Czech and Slovak friends on a vase or hat because if they do, the items will be given to them.

Truly, many of the people in Czechoslovakia cannot fathom the fact that people have left their homes and come all the way to Czechoslovakia to volunteer their time. The concept of volunteerism is foreign to them and they are greatly moved by the idea that individual Americans care enough about them to try to help ease their personal and societal transitions to democracy.

Not surprisingly, due to the tremendous success of Education for Democracy/USA in Czechoslovakia, the Ministry of Education in Poland and the ministries in the Baltic countries—Latvia, Lithuania, and Estonia—requested volunteer instructors in January of this year. Due to lack of financial and staff resources, EFD felt some limitation for expansion. Since the Baltics had received virtually no assistance at that time and Poland was far ahead, EFD decided to use their limited resources where they were more needed. Subsequently, 14 volunteers were sent to the former Soviet Republics and a commitment has been made to send 30 volunteers there in 1992–93. Also, at the request of the mayor of St. Petersburg, Russia, EFD will send five volunteers there in September as well. The proposal from the mayors is for St. Petersburg to be the center of placing EFD volunteers in other Russian cities in 1993. The programs in the Baltics and Russia will mirror the ones in Czechoslovakia with some differences in qualifications of the volunteers—once again listening to the direct needs of these countries.

Meanwhile, the political situation in Czechoslovakia appears to be changing, with the Czech and Slovak Republics talking about separating. Thankfully, all reports indicate that any such action would be peaceful and as long as that is the case, Education for Democracy plans to continue operating in both Republics whether or not they formally separate.

After recounting the depth and significance of this program, it will probably shock my colleagues to learn that Education for Democracy has no stable source of funding, has received no substantial foundation or corporate support and no Government grants. The organization's operating costs have been held down by forgoing needed office supplies and services and through the receipt of sporadic private contributions and in-kind donations and by an application fee charged to prospective volunteers. Despite the fact that the program required almost round-the-clock work for the first couple of years and still proves quite demanding, the program's founder, Ann Gardner, has worked since the organization's beginning without any salary and has had to find volunteer office staff for the mobile office and the offices in Czechoslovakia. While the fact that Education for Democracy exists on a shoe-string budget may sound quaint, it has in reality, been difficult, stressful, and, at times very discouraging.

In fact, Mr. President, I find it ironic that so many new exchange and language instruction programs have been proposed lately for Eastern Europe and the former Soviet Union while, at the same time, proven efforts like Education for Democracy go unnoticed in many respects. Whereas many of the proposed programs would require millions of dollars to establish and administer, Education for Democracy is up and running on virtually nothing. While some of the proposed programs would send only a few volunteers abroad for every $100,000 they spend, Education for Democracy sends 1 volunteer for every $60 it spends. In fact, it causes me concern when such a program can go unnoticed. This program is dedicated to serving the needs of the people in Czechoslovakia in a manner described by the people of Czechoslovakia. It continues to thrive despite the naysayers and the bureaucrats who would drag down its operation, including those in Government agencies such as the State Department. In fact, on a recent visit to our embassy in Czechoslovakia, I was surprised to see that the staff there did nothing to encourage this program. And yet it survives, amazingly and disappointingly, without any significant financial support.

I hope that my colleagues will think about the cost effectiveness of this program as we strive to assist the emerging democracies in Eastern Europe and the former Soviet Union. I also hope that they will join me in my support of this organization which seeks funding to help purchase computers, fax machines, and copying equipment, as well as to cover administrative and operational costs in the United States. Financial needs in the host countries include those to support the orientation of instructors, to help purchase some teaching materials, and to assist with administrative costs associated with offices in the host countries.

Mr. President, I commend Education for Democracy and the many volunteers who have participated in its program. They are performing an immeasurable service which will bring our world closer together.

ANDRE AGASSI: LAS VEGAS' COLORFUL, COURAGEOUS CHAMPION

Mr. REID. Mr. President, I would like to take a few minutes to acknowledge an international champion and Nevada hero. Andre Agassi recently won the prestigious Wimbledon tennis tournament, but he long ago won the hearts of Nevadans. I am honored to pay tribute to a young man who brings such pride and confidence to my home State. Andre Agassi reflects the independent, pioneering spirit of Las Vegas. He has not abandoned his roots, instead he has grown strong and tall upon them. He is a hometown boy who spun his homegrown talents into personal achievement and worldwide success. One does not become a world champion without a willingness to listen, learn, and work. Andre Agassi is an intelligent, hardworking fighter determined to persevere until victorious. Ironically, his greatest assets drew his greatest doubters—the same observers who criticize Las Vegas—who said he was too aloof or too bold. But they do not know Nevada. They do not know Las Vegas. And they do not know Andre Agassi.

In sports, politics, and every arena of life, we could use more individuals who break molds instead of fitting them. It takes character and courage to dismiss conformity and overcome past defeat. Andre Agassi is his own person who silenced second-guessing naysayers with style and grace. The world witnessed his sincerity after he won the most prestigious tennis tournament in the world. We in Las Vegas saw it a long time ago. It is with true Nevada pride that I salute the talented, courageous, and colorful Andre Agassi. Thank you, Mr. President.

TRIBUTE TO CITIZENS OF JACKSONVILLE, NC

Mr. SANFORD. Mr. President, I rise today to pay tribute to the citizens of Jacksonville, NC. In a competition of over 140 communities nationwide, Jacksonville was 1 of only 10 communities selected as a 1992 All-America City by the National Civic League. The award program is designed to recognize community efforts that emphasize collaborative problem-solving and innovative policy approaches. It works to reward those communities that encourage partnerships among its members, rather than a reliance on State and Federal grants, to solve its local problems.

Jacksonville sent more husbands, wives, mothers, fathers, sons, and daughters to the Persian Gulf than any

other city in the United States. More than half its citizens left to serve in Desert Storm. Whereas normally 43,000 marines and sailors were stationed at Camp Lejeune, at the peak of the gulf crisis, only 7,000 soldiers remained. Undeniably, the impact of this large deployment to the Middle East was also felt in the civilian community surrounding the military installation.

The exodus of Jacksonville's military base marked the destruction of its economic viability. The unemployment rate soared; small businesses failed; social service organizations operated beyond their capacities, and; the citizens of Jacksonville, to their credit, struggling to address their own difficulties.

A city paralyzed by the economic fallout of war, Jacksonville responded to the crisis by creating a Caring Community to provide support, counsel, and guidance to those families who had members in the gulf. Citizens of Jacksonville acted swiftly to mobilize civic leaders, church leaders, business men and women, military leaders, and members of the media to formulate a strategic plan to address the needs of their war-torn city. Their aim was to coordinate their city's resources to best serve its residents; the result was an unprecedented act of citizenship and servanthood that helped ease the pain of military families.

The Caring Community Committee organized volunteers, centralized resources, and created an information network to keep citizens informed and connected to the committee's ongoing work. It mobilized a troop of civilian soldiers who embraced and embodied the true meaning of "community." Neighbors opened their homes to those families visiting their loved ones prior to the deployment; child care services were provided; family days were planned and holiday celebrations coordinated; businesses extended special discounts to the families of deployed service members; and local merchants, in conjunction with Jacksonville high school students, made care packages and baby bundles for the men and women in the gulf. The list of selfless community service goes on and on.

This small town of 77,685 North Carolinians extended a helping hand to its military neighbors. Its citizens established a high standard of leadership and cooperation and, in the process, instilled a real sense of civic pride among its residents. I pause today, to congratulate Jacksonville on their recent success as a 1992 All-America City, but I also highlight their achievement in hopes of providing an inspirational model for other cities across the Nation who also struggle to create a sense of cooperation and shared responsibility within their own communities. The continuing efforts in Jacksonville are a national example of how neighbors can come together and effectively address this country's most pressing social problems. It does indeed take an entire community to build a nation.

Again, I extend my heartfelt congratulations to the people of Jacksonville, NC, for a job well done. Keep up the extraordinary work.

REFERRAL OF S. 2991, THE INTELLIGENCE AUTHORIZATION BILL

Mr. NUNN. Mr. President, in accordance with the provisions of section 3(b) of Senate Resolution 400, I now ask that S. 2991, the Intelligence authorization bill, reported earlier today by the Intelligence Committee, be referred to the Committee on Armed Services for not to exceed the 30-day period as referenced in section 3(b) of Senate Resolution 400.

BILL READ FOR FIRST TIME—H.R. 1435

Mr. LAUTENBERG. Mr. President I understand the Senate has received from the House H.R. 1435, the Rocky Mountain arsenal bill. On behalf of Senators WIRTH and BROWN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 1435) to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

Mr. LAUTENBERG. Mr. President, I now ask for its second reading.

Mr. COATS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read on the next legislative day.

AMERICAN TECHNOLOGY PREEMINENCE ACT TECHNICAL AMENDMENTS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5343, regarding metric labeling and that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5343) was deemed read three times and passed.

Mr. HOLLINGS. Mr. President, the Senate has now considered a bill which clarifies existing law regarding how weights and volumes should be listed on the labels of packaged consumer commodities, particularly grocery products.

Current law requires that starting in 1994 packaged consumer commodities which fall under the Fair Packaging and Labeling Act must have labels which list weights and volumes in metric measurements. Traditional English measurements also may appear on the labels. The rationale behind the existing law is that American products will be more acceptable overseas if their labels list information in metric, as well as English, units.

The current law does not require that American producers be forced to adopt metric-sized containers. For example, it does not require that milk be sold in liter-sized cartons instead of quart-sized containers. However, food industry executives expressed concern that the existing law may be ambiguous on this point and possibly subject to misinterpretation. If the law were misinterpreted, and the food industry were required to use metric packaging as well as metric labeling, the costs of compliance would be unreasonably high.

On June 29, 1992, the House passed H.R. 5343, crafted by Congressman GEORGE BROWN, the distinguished chairman of the House Science Committee and author of the existing law, to clarify congressional intent in this area. The bill makes clear that nothing in the law "shall be construed to require changes in package size or to affect in any way the size of packages." It also clarifies that the law shall have no effect on the sale or distribution of products whose labels have been printed before the 1994 effective date, and that the metric labeling requirements shall not apply to unit pricing, advertising, recipe programs, nutrition labeling, or other general pricing information.

The bill is supported by the Food Marketing Institute and the International Dairy Foods Association, and the administration has no objection to its passage. I know of no controversy surrounding this bill and believe that it makes important clarifications to existing law. I urge my colleagues to join me in supporting this bill.

At this point, I ask unanimous consent that a letter from House Science Committee Chairman BROWN to me regarding the intent and provisions of the bill be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, July 2, 1992.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate moves towards consideration of H.R. 5343, I would like to take this opportunity to explain the intent and provisions of this small bill.

H.R. 5343 contains technical corrections to a provision regarding metric labeling that was included in the American Technology Preeminence Act (P.L. 102-245). Section 107 of that Act provides that starting two years

from the date of enactment labels on packaged consumer commodities sold in grocery stores shall list weights, lengths, and volumes in metric measurements, although it also allows labels to continue to include measurements in traditional English (avoirdupois) units. The United States is the only major industralized nation which does not use metric measurements, and U.S. business is at risk of losing substantial sales opportunities as potential overseas customers become less willing to accept non-metric products.

Section 107 affects labels but not the sizing of packaging. For example, the section does not require that milk be sold in liter-sized cartons; it only requires that labels on quart or other sized milk cartons list the contents in metric measurements. However, various groups in the food industry expressed concerns that the section might be interpreted to require metric packaging and thus expensive changes in the size of packaged goods.

I introduced H.R. 5343 to clarify the provisions of section 107 and avoid any misunderstanding. Again, the intention of the original section 107 is to require metric labeling but not metric-sized packaging, and this new bill makes this point explicitly. It also states that section 107 shall have no effect on the sale or distribution of products whose labels have been printed before the effective date, and states that nothing in this provision shall apply to unit pricing, advertising, recipe programs, nutrition labeling, or other general pricing information.

I would like to make one other comment regarding H.R. 5343. In amending section 107, the new bill uses familiar terms such as "pounds", "inches", and "square inches". I want to make clear that in using these standard terms, we intend that related terms also may be used when expressing measurements in English terminology. For example, when the bill says "pounds" it means that weights may be expressed in the standard English measurements of pounds or ounces, and specifically that weight shall be expressed in the largest whole unit, either pounds or ounces. Similarly, we intend that both section 107 and the underlying law it amends allow that lengths be expressed in terms of the largest whole unit, either inches, yards and feet, or feet, as appropriate, and allow the measurements of area be expressed in terms of square inches, square yards, square yards and feet, or square feet, as appropriate.

I believe that H.R. 5343 addresses the concerns of the food industry and removes any ambiguity regarding the intent and requirements under section 107. We wrote the legislation in close consultation with the industry, and as far as I know the bill is genuinely noncontroversial. I appreciate your assistance in bringing this bill before the Senate, and look forward to continuing to work closely with you on this issue and other matters.

Sincerely,

GEORGE E. BROWN, Jr.,
Chairman.

MITCHELL H. COHEN U.S. COURTHOUSE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 2625 designating the Mitchell H. Cohen U.S. Courthouse in Camden, NJ, and that the Senate proceeded to its immediate consideration, the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place.

Mr. CHAFEE. Mr. President I wonder if we could just put that over for 1 minute and come back to it in a few minutes.

Mr. LAUTENBERG. We will proceed, if we may, Mr. President, then to the next matter.

The PRESIDING OFFICER. The Chair will construe that the unanimous-consent request has been at least momentarily withdrawn subject to the right of the Senator from New Jersey to renew it.

NATIONAL TRAILS SYSTEM AMENDMENTS ACT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 543, H.R. 479, a bill to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; that any statements appear in the Record at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 479) was deemed to have been read three times and passed.

AUTHORIZING THE ARCHITECT OF THE CAPITOL TO ACQUIRE CERTAIN PROPERTY—MESSAGE FROM THE HOUSE

Mr. LAUTENBERG. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2938.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2938) entitled "An Act to authorize the Architect of the Capitol to acquire certain property", do pass with the following amendment:

Page 4, strike line 15 and all that follows through page 5, line 6.

Mr. LAUTENBERG. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. CAPITOL POLICE JURISDICTION REFORM ACT

Mr. LAUTENBERG. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1766.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1766) entitled "An Act relating to the jurisdiction of the United States Capitol Police", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

TITLE I—LAW ENFORCEMENT AUTHORITY AND SUNDRY ADMINISTRATIVE PROVISIONS

SEC. 101. LAW ENFORCEMENT AUTHORITY OF THE CAPITOL POLICE.

The Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a) is amended by inserting after section 9A the following new section:

"SEC. 9B. (a) Subject to such regulations as may be prescribed by the Capitol Police Board and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia—

"(1) within the District of Columbia, with respect to any crime of violence committed within the United States Capitol Grounds;

"(2) within the District of Columbia, with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties when the crime is committed;

"(3) within the District of Columbia, to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties when the authority is exercised; and

"(4) within the area described in subsection (b).

"(b) The area referred to in subsection (a)(4) is that area bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

"(c) This section does not affect the authority of the Metropolitan Police force of the District of Columbia with respect to the area described in subsection (b).

"(d) As used in this section, the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code.".

SEC. 102. CHANGE IN THE COMPOSITION OF THE CAPITOL POLICE BOARD.

Section 9 of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a) is amended—

(1) By striking out "SEC. 9." and inserting in lieu thereof "SEC. 9. (a)"

(2) in the first sentence, by striking out ", consisting" and all that follows through "Architect of the Capitol,"; and

(3) by adding at the end the following new subsection:

"(b)(1) The Capitol Police Board shall consist of—

"(A) the chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives;

"(B) the chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate; and

"(C) the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, both ex officio and without the right to vote.

"(2) The chairman of the Committee on House Administration of the House of Representatives and the chairman of the Committee on Rules and Administration of the Senate shall alternate, by session of Congress, as chairman of the Capitol Police Board.".

SEC. 103. UNIFIED PAYROLL ADMINISTRATION FOR THE CAPITOL POLICE.

The Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a), as amended by section 101, is further amended by inserting after section 9B the following new section:

"SEC. 9C. Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.".

SEC. 104. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101-520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

SEC. 105. EFFECTIVE DATE.

The unified payroll administration under the amendment made by section 103 shall apply with respect to pay periods beginning after September 30, 1992.

TITLE II—LUMP-SUM PAYMENT PROVISIONS

SEC. 201. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

SEC. 202. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

SEC. 203. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

AMENDMENT NO. 2735

Mr. LAUTENBERG. Mr. President, I move that the Senate concur in the House amendment with a further amendment, which I now send to the desk on behalf of Senator FORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. FORD, proposes an amendment numbered 2735.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Capitol Police Jurisdiction Act".

SEC. 2. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101-520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

SEC. 3. JURISDICTION OF CAPITOL POLICE.

(a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended to read as follows:

"SEC. 9. (a)(1) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this Act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia is authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds.

"(2) The Capitol Police shall have authority to make arrests in that part of the District of Columbia outside the United States Capitol Grounds for any violations of any law of the United States or the District of Columbia, or any regulation promulgated pursuant thereto. The arrest authority of the Capitol Police under this paragraph shall be concurrent with that of the Metropolitan Police force of the District of Columbia.

"(b)(1) For the purpose of this section, the term 'Grounds' includes the House Office Buildings parking areas, and any property acquired, prior to or on or after the date of the enactment of this subsection, in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House of Representatives, by lease, purchase, intergovernmental transfer, or otherwise, for the use of the Senate, the House of Representatives, or the Architect of the Capitol.

"(2) The property referred to in paragraph (1) of this subsection shall be considered 'Grounds' for purposes of this section only during such period that it is used by the Senate, House of Representatives, or the Architect of the Capitol. On and after the date next following the date of the termination by the Senate, House of Representatives, or Architect of the Capitol of the use of any such property, such property shall be subject to the same police jurisdiction and authority as that to which it would have been subject if this subsection had not been enacted into law.".

(b) The authority granted to the Capitol Police by the amendment made by subsection (a) of this section shall be in addition to any authority of the Capitol Police in effect on the date immediately prior to the date of the enactment of this Act.

SEC. 4. UNIFIED PAYROLL STUDY.

The Capitol Police Board shall provide for a study to determine the feasibility and desirability of administering payrolls for members of the Capitol Police and civilian support personnel of the Capitol Police on a uni-

fied basis by a single disbursing authority. The Capitol Police Board shall report the results of such study, together with its recommendations, to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives before January 1, 1994.

TITLE I—LUMP-SUM PAYMENT PROVISIONS

SEC. 101. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

SEC. 102. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

SEC. 103. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

TITLE II—CITATION RELEASE

SEC. 201. BAIL AND COLLATERAL.

(a) ACTING CLERK.—(1) The judges of the Superior Court of the District of Columbia shall have the authority to appoint an official of the United States Capitol Police to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for these services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock post meridian and 9 o'clock ante meridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

(2) An officer or member of the United States Capitol Police who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court.

(3) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

(4) No citation may be issued under paragraph (2) or (3) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

(b) PENALTY.—Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than 1 year, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote by which the motion was agreed to.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MITCHELL H. COHEN U.S. COURTHOUSE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 2625 designating the Mitchell H. Cohen U.S. Courthouse in Camden, NJ, and that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The bill (S. 2625) was deemed to have been read three times and passed, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse under construction at 400 Cooper Street in Camden, New Jersey, shall be known and designated as the "Mitchell H. Cohen United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Mitchell H. Cohen United States Courthouse".

CRISIS BETWEEN THE UNITED STATES AND IRAQ—MESSAGE FROM THE PRESIDENT—PM 261

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1992, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to U.S. interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary

threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

CONSERVATION AND THE USE OF PETROLEUM AND NATURAL GAS IN FEDERAL FACILITIES—MESSAGE FROM THE PRESIDENT—PM 262

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

As required by section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, as amended (42 U.S.C. 8373(c)), I hereby transmit the 13th annual report describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities, which covers calendar year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG—MESSAGE FROM THE PRESIDENT—PM 263

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Grand Duchy of Luxembourg on Social Security, which consists of two separate instruments—a principal agreement and an administrative arrangement. The agreement was signed at Luxembourg on February 12, 1992.

The United States-Luxembourg agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services, explaining the key points of the agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. In addition, as required by section 233(e)(1) of the Social Security Act, a report on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement is also enclosed. I note that the Department of State and the Department of Health and Human Services have recommended the agreement and related documents to me.

I commend the Agreement between the United States of America and the Grand Duchy of Luxembourg on Social Security and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1992.*

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 11. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes;

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 3836. An act to provide for the management of Federal lands containing the Pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the Pacific yew;

H.R. 5488. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5504. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5517. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 5560. An act to extend for one year the National Commission on Time and Learning, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2938. An act to authorize the Architect of the Capitol to acquire certain property.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 129. A concurrent resolution expressing continued support for the Taif Agreement, which brought a negotiated end to the civil war in Lebanon, and for other purposes.

The message also announced that the House has passed the bill (S. 1766) relating to the jurisdiction of the U.S. Capitol Police, with an amendment; it insists upon its amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSE, Ms. OAKAR, Mr. PANETTA, Mr. THOMAS of California, and Mr. ROBERTS as managers of the conference on the part of the House.

At 2:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1150) entitled "An Act to reauthorize the Higher Education Act of 1965, and for other purposes."

At 8:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5100. An act to strengthen the international trade position of the United States; and

H.R. 5518. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times, and referred as indicated:

H.R. 11. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; to the Committee on Finance;

H.R. 5100. An act to strengthen the international trade position of the United States; to the Committee on Finance;

H.R. 5488. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations;

H.R. 5504. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations;

H.R. 5517. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations; and

H.R. 5518. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending

September 30, 1993, and for other purposes; to the Committee on Appropriations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second time, and placed on the Calendar:

H.R. 3836. An act to provide for the management of Federal lands containing the Pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the Pacific yew.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3592. A communication from the Deputy Postmaster General, transmitting, pursuant to law, a report on expedited appeal procedures for refused mail; to the Committee on Governmental Affairs.

EC-3593. A communication from the Chief Operating Officer and President of the Resolution Funding Corporation, transmitting, pursuant to law, a report on audited financial statements; to the Committee on Governmental Affairs.

EC-3594. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Refugee Resettlement Program; to the Committee on the Judiciary.

EC-3595. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report on the Judicial Conference of the United States; to the Committee on the Judiciary.

EC-3596. A communication from the National Treasurer of the Navy Wives Clubs of America, transmitting, pursuant to law, the annual report on the Audit for Fiscal Year 1991; the Committee on the Judiciary.

EC-3597. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on employment and training programs; to the Committee on Labor and Human Resources.

EC-3598. A communication from the Chairman of Railroad Retirement Board, transmitting, pursuant to law, a report on the status of the railroad retirement system; to the Committee on Labor and Human Resources.

EC-3599. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on Sudden Infant Death Syndrome; to the Committee on Labor and Human Resources.

EC-3600. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Priority for Fiscal Year 1992 — Independent Living Services for Older Blind Individuals"; to the Committee on Labor and Human Resources.

EC-3601. A communication from the Secretary of Labor, transmitting, pursuant to law, a report with respect to mine safety; to the Committee on Labor and Human Resources.

EC-3602. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Administration on Aging; to the Committee on Labor and Human Resources.

EC-3603. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Final Regulations—Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Project Abroad Program;" to the Committee on Labor and Human Resources.

EC-3604. A communication from the Secretary of Education, transmitting, pursuant to law, a report "Final Regulations—Education Department General Administrative Regulations;" to the Committee on Labor and Human Resources.

EC-3605. A communication from Department of Education, transmitting, pursuant to law, a report with respect to the final regulations of the Pell Grant program; to the Committee on Labor and Human Resources.

EC-3606. A communication fron the Secretary of Education, transmitting, a draft of proposed legislation to make additional fiscal year 1992 allocations to certain counties under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965; to the Committee on Labor and Human Resources.

EC-3607. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the final regulations of the Individuals with Disabilities Education Act Amendments of 1991; to the Committee on Labor and Human Resources.

EC-3608. A communication from the Secretary of Labor, transmitting, pursuant to law, a report describing employment and training programs for veterans; to the Committee on Veterans' Affairs.

EC-3609. A communication from the Secretary of Labor, transmitting, pursuant to law, a report describing employment and training programs for veterans; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 2991. An original bill to authorize appropriations for fiscal year 1993 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to amend the National Security Act of 1947 to provide a framework for the improved management and execution of United States intelligence activities, and for other purposes (Rept. No. 102-324).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2608. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes (Rept. No. 102-326).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2656. A bill to amend the Petroleum Marketing Practices Act (Rept. No. 102-325).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY:

S. 2990. A bill to amend the Public Health Service Act to establish a program to provide grants for the establishment of model Tuberculosis Prevention and Control Centers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN:

S. 2991. An original bill to authorize appropriations for fiscal year 1993 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to amend the National Security Act of 1947 to provide a framework for the improved management and execution of United States intelligence activities, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services, for the thirty-day period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress.

By Mr. PRYOR:

S. 2992. A bill to provide for the temporary suspension of duty on certain chemicals, and for other purposes; to the Committee on Finance.

S. 2993. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2994. A bill to extend the temporary suspension of duty on metallurgical fluorspar; to the Committee on Finance.

By Mr. BREAUX:

S. 2995. A bill to amend the Marine Mammal Protection Act of 1972 to implement international agreements providing for the enhanced protection of dolphins, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 325. A resolution expressing the sense of the Senate that the Government of the Yemen Arab Republic should lift its restrictions on Yemeni-Jews and allow them unlimited and complete emigration and travel; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 2990. A bill to amend the Public Health Service Act to establish a program to provide grants for the establishment of model Tuberculosis Prevention and Control Centers, and for other purposes; to the Committee on Labor and Human Resources.

TUBERCULOSIS PREVENTION AND CONTROL CENTERS ACT OF 1992

• Mr. BRADLEY. Mr. President, I rise to introduce the Tuberculosis Prevention and Control Centers Act of 1992. This bill would establish five model TB Prevention and Control Centers for five

geographical areas. The goal of the legislation would be to bring together the necessary private and public elements to effectively control the spread of TB when outbreaks occur, and reduce the number of cases in high priority areas through comprehensive prevention, screening, diagnoses, treatment, and training programs.

Why has tuberculosis returned when we once thought we had it all but beaten? TB was once a deadly epidemic at the turn of the century, and even by the 1940's, it remained a killer disease—it was fatal in 50 percent of the cases, and there were more than 120,000 cases in the United States. By the late fifties, new drugs and a focused public health effort helped us turn the tide against TB, and by the early eighties, the number of cases in the United States had dropped to only 20,000. However, in the last 3 years, TB has resurged, and the number of cases is now rapidly approaching 30,000. It is highly contagious and again represents a major public health threat for the 1990's.

Newark has ranks second in the country in the rate of TB cases per 100,000 population. The number of cases in Essex County in New Jersey has almost doubled since 1986. The numbers are staggering: 1 in 10 Americans are carriers of the TB bacteria—25 million persons. About on-third of the world's population is infected with TB. Worldwide, there are about 8 million new cases of TB each year, with more than 3 million deaths each year. TB is the largest cause of death in the world from a single infectious agent—which is even more startling, because it is preventable and easily cured.

The resurgence of TB provides us with a glaring illustration of the failure over the last 12 years to address the deteriorating social conditions in our inner cities. A decade of neglect that has resulted in greater homelessness, drug use, poverty, cultural isolation of immigrants, and AIDS have all contributed to the recent increase in the number of TB cases. These individuals live in circumstances that increase their risk for TB, often make it harder to get them into treatment, and increases the likelihood that they will not complete the necessary drug therapy.

Since the late sixties, public funding to fight TB has been reduced dramatically. For example, in New York City, funding was cut from highs of $40 million in 1968 to about half of that 10 years later. Those trends have continued nationwide as the number of TB cases has dropped each year, until the mideighties. The perception was that we had TB defeated, so the public dollars were cut. Those budget cuts, combined with the inattention to the social conditions in our inner cities, have led to TB's resurgence.

Another key factor in TB's reemergence is the development of multidrug resistant strains of TB. It's like the cockroach who thrives despite increasing doses of pesticides—they have been exposed to so many insecticides, they build up an intolerance. The same has happened for TB.

The multidrug resistant strains of TB are especially frightening because of the triple threat: First, these patients continue to infect others while they think they are being treated—but the drugs they take don't do anything. Second, the patient gets worse. Third, the costs increase dramatically as the additional drugs are expensive, and more intensive treatment may be required. As many as 40 percent of all TB cases in New York City have been found to be multidrug resistant.

Persons facing the greatest risks for TB include those with AIDS, immigrants from countries with poor public health programs, and homeless persons. But also they include health care workers, doctors and nurses, prison workers, and others who come into close contact with an infected individual.

Importantly, as the number of children with AIDS tragically increases, TB will pose a growing threat to the children in our schools. We have learned to fight uninformed fears about being around persons with AIDS. We know that AIDS is not easily transmitted; in stark contrast, TB, which may accompany AIDS, is highly contagious and may present a serious threat.

What we need is a coordinated effort among local, State, Federal, public and private resources to bring together all of the necessary elements to prevent an epidemic of TB from returning. We know how to do it, but the pieces have fallen apart over the last 30 years. What we have today are often fragmented efforts that only address part of the problem.

This legislation will provide for such a coordinated comprehensive attack on TB. It will establish five model TB prevention and control centers consisting of all of the elements needed in the nineties, not the fifties, to effectively control TB. Early screening and detection of high risk populations is essential. Technology must be available to quickly diagnose the multidrug resistant strains. Adequate supplies of drugs for treatment must be available. Outreach workers are needed to make sure treatment is completed. Existing efforts often only have part of these essential components. Having all of them will ensure our effectiveness in preventing a TB epidemic.

TUBERCULOSIS BILL SUMMARY

The Bill: Establishes a three year grant program administered by the Centers for Disease Control ($5 million per site per year) for five Model TB Prevention and Control Centers. Elements of each program would include the following:

1. Submission of a local detailed TB Control plan, signed by the official health agency for the area and all principal partners, including hospitals, research facilities, advocacy groups, pharmaceutical companies, epidemiologists, and health clinics that they will work together to accomplish the plan's goals.

2. Establishment of a Local TB Control Advisory Committee with representatives from patients and provider groups, as noted above.

3. The Local TB Control Plan should:

a. Target high priority populations for TB screening.

b. Provide intensive screening, detection, and treatment.

c. Provide for access to the latest clinical and lab technology.

d. Specify plans, including the use of patient incentives, to assure patient adherence.

e. Education and training for patients providers and public.

f. Include evaluation component to identify and replicate successes.

g. Require a 20% state or local match to ensure local commitment.

h. Require a three year commitment.•

By Mr. BREAUX:

S. 2995. A bill to amend the Marine Mammal Protection Act of 1972 to implement international agreements providing for the enhanced protection of dolphins, and for other purposes.

INTERNATIONAL DOLPHIN PROTECTION ACT OF 1992

• Mr. BREAUX. Mr. President, I rise today to introduce a bill of major importance to the marine mammal protection efforts of the United States and the dolphin protection efforts of the American tuna fishing industry. Millions of dolphins deaths have been a result of yellowfin tuna fishing practices by all nations in the eastern tropical Pacific Ocean. Increased awareness of dolphin population safety and health by both the public and the tuna fishing industry have fostered changes in industry. This bill assists the tuna industry in protecting dolphins by amending the Marine Mammal Protection Act of 1972, the Tuna Conventions Act of 1950 and South Pacific Tuna Act of 1988. When enacted, this bill will eventually eliminate dolphin mortality in the eastern tropical Pacific Ocean, at the same time changing yellowfin tuna fishing practices and methods.

As recently evidenced by foreign tuna fishing fleet activities, unilateral import restrictions by the United States will not foster compliance by other nations with United States objectives of greatly reduced dolphin mortality. This bill does not mandate unilateral trade sanctions against any country to enforce marine mammal protection in the tuna industry, but instead encourages multilateral agreements to bring about a fundamental change in tuna fishing practices. Other nations harvesting yellowfin tuna are now willing to participate in appropriate multilateral agreements, as evidenced by their participation in the Inter-American Tropical Tuna Commission resolutions, to reduce and eventually eliminate dolphin mortality in the eastern tropical Pacific Ocean yellowfin tuna industry.

Established by the Tuna Conventions Act of 1950, the Inter-American Tropical Tuna Commission [IATTC] is the recognized international commission dealing with the eastern tropical Pacific Ocean tuna fishery. Nine major tuna fishing nations agreed on June 18, 1992, through the IATTC, to a new dolphin protection program aimed at significantly reducing the dolphin mortality over a 7 year period. This legislation builds on the IATTC resolution by requiring the Secretary of State, in consultation with the Secretary of Commerce, to enter into multilateral international agreements. These agreements will implement the IATTC program for dolphin protection by reducing dolphin mortality and, as soon as practicable, eliminating dolphin mortality in the eastern tropical Pacific Ocean tuna fishery. Implementation of agreements and issuance of regulations, as authorized by this legislation, shall be under the Marine Mammal Protection Act and the Tuna Conventions Act.

This legislation prohibits after February 28, 1994, except for research and as permitted by U.S. regulation, setting purse seine nets on marine mammals during yellowfin tuna fishing. When this bill is enacted, the American Tunaboat Association's general permit for taking dolphins will be reduced significantly and the dolphin take may not exceed the number allocated by the IATTC to the U.S. tuna fleet. This IATTC limit on dolphin mortality also includes mortality caused by research.

Embargo provisions imposed by this bill would function much the same as those of the Pelly amendment. Under this bill the Secretary of Commerce, in consultation with the Secretary of State, will notify the President and the nation concerned, if that nation is not fully implementing it's commitments under the multilateral agreement. Fifteen days after Presidential notification, all imports of yellowfin tuna and tuna products would be banned. If the nation has not taken action to fully comply within 60 days of notification, all fish and fish products, including shrimp, would be banned. The ban would last until the nation is fully implementing the provisions of the agreement.

This legislation contains embargo provisions for all nations exporting yellowfin tuna to the United States; those nations will be required to provide documentary evidence that the yellowfin tuna harvesting nation has agreed to the IATTC resolution creating the dolphin protection program and enforcing the dolphin protection provisions of that resolution. This bill will, effectively, prohibit import of yellowfin tuna from nations who do not agree to the IATTC resolutions. This is a major change to the comparability standards presently used to determine a yellowfin tuna import ban from a violating nation.

Secondary embargoes are presently in place in the United States for selected yellowfin tuna imports. The term "secondary embargo," in this case, is an embargo placed on a nation which processes and exports yellowfin tuna to the United States, but does not actually participate in the yellowfin tuna fishery. Now, nations are faced with a secondary embargo if they cannot assure that yellowfin tuna exported to the United States were caught using dolphin safe methods. The determination of a secondary nation embargo is also changed in this bill. The secondary nation embargo provisions will be lifted under this bill when the secondary nation provides reasonable proof that it has not imported in the previous 6 months yellowfin tuna or yellowfin tuna products from a nation subject to a direct U.S. import ban. These new embargo provisions will greatly simplify the embargo determination procedures now used by the United States.

The approach taken by this legislation on import restrictions should resolve the General Agreement on Tariffs and Trade [GATT] concerns this Nation has with Mexico and several other countries relating to yellowfin tuna fishing practices. Also, this bill will provide a framework for resolving other important issues related to the dolphin mortality problem in the eastern tropical Pacific Ocean.

Also included in the bill are provisions for civil and criminal penalties for any person who: violates the regulations established under this bill; refuses to permit an enforcement inspection of his vessel and; assaults, resists, impedes, opposes, intimidates or interferes with a search conducted under provisions of this bill.

Another provision of this bill establishes tuna research programs, in conjunction with the IATTC, to develop fishing methods for large yellowfin tuna without setting nets on marine mammals. The U.S. Marine Mammal Commission will review all IATTC research proposals and make research recommendations to the U.S. IATTC Commissioners. Appropriations authorized are $3 million per year from 1993 to 1998 for the research provisions of this bill.

The International Dolphin Protection Act of 1992 will conserve and protect the dolphin populations in the eastern tropical Pacific Ocean, maintain the strong dolphin conservation program of the United States yellowfin tuna fleet and resolve the yellowfin tuna GATT issue with Mexico.

Mr. President, I urge my colleagues to join with me in support and passage of this urgent and important piece of legislation.●

ADDITIONAL COSPONSORS

S. 434

At the request of Mr. SHELBY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 434, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1372

At the request of Mr. GORE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1379

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 1379, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 1565

At the request of Mr. GRAHAM, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1565, a bill to amend the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in connection with route transfers.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. SEYMOUR], the Senator from Mississippi [Mr. LOTT], the Senator from Wisconsin [Mr. KASTEN], the Senator from Kansas [Mr. DOLE], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 2002

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus drivers shall be allowable in computing adjusted gross income.

S. 2027

At the request of Mr. CHAFEE, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2027, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the medicare program.

S. 2057

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2057, a bill to amend title 10, United States Code, to provide for centralized acquisition of property and services for the Department of Defense, to modernize Department of Defense

acquisition procedures, and for other purposes.

S. 2062

At the request of Mr. KENNEDY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2062, a bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes.

S. 2116

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2116, a bill to improve the health of children by increasing access to childhood immunizations, and for other purposes.

S. 2244

At the request of Mr. THURMOND, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 2244, a bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2389

At the request of Mr. BRADLEY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2479

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2479, a bill to approve the President's rescission proposals submitted to the Congress on March 20, 1992.

S. 2483

At the request of Mr. BROWN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2483, a bill to provide assistance to Department of Energy management and operating contract employees at defense nuclear facilities who are significantly and adversely affected as a result of a significant reduction or modification in Department programs and to provide assistance to communities significantly affected by those reductions or modifications, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2531

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2531, a bill to establish a Commission on Project Government Reform.

S. 2543

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2543, a bill to amend the Foreign Relations Authorization Act, fiscal years 1992 and 1993, to prevent the transfer of certain goods or technology to Iraq or Iran, and for other purposes.

S. 2656

At the request of Mr. FORD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Kansas [Mr. DOLE], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2707

At the request of Mr. RIEGLE, the names of the Senator from Montana [Mr. BURNS], the Senator from Colorado [Mr. BROWN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 2707, a bill to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th Anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes.

S. 2870

At the request of Mr. RUDMAN, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2870, a bill to authorize appropriations for the Legal Services Corporation, and for other purposes.

S. 2887

At the request of Mr. MCCONNELL, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2887, a bill to amend title IV of the Social Security Act to provide that the Secretary of Health and Human Services shall enter into an agreement with the Attorney General of the United States to assist in the location of missing children.

S. 2900

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2900, a bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the Act are carried out, and for other purposes.

S. 2922

At the request of Mr. COHEN, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Iowa [Mr. GRASSLEY], the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. BURDICK], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 2936

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2936, a bill to amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes.

S. 2942

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 2942, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 2958

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2958, a bill to amend chapter 37 of title 38, United States Code, to expand the housing loan program for veterans.

S. 2961

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2961, a bill to amend title 38, United States Code, to permit the burial in ceremonies of the National Cemetery System of certain deceased reservists, to furnish a burial flag for such members, to furnish headstones and markers, and for other purposes.

S. 2966

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2966, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued

by State and local development companies.

S. 2969

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2969, a bill to protect the free exercise of religion.

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Connecticut [Mr. DODD], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the names of the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. AKAKA], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Georgia [Mr. NUNN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

SENATE RESOLUTION 301

At the request of Mr. SIMON, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Oregon [Mr. HATFIELD], the Senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. MOYNIHAN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Resolution 301, a resolution relating to ongoing violence connected with apartheid in South Africa.

SENATE RESOLUTION 325—RELATING TO THE YEMEN ARAB REPUBLIC RESTRICTIONS ON YEMENI-JEWS

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 325

Whereas, since 1948 when the State of Israel was born, Jews in Arab nations have routinely faced economic and social discrimination;

Whereas, in the Yemen Arab Republic, approximately 1,200–1,500 Jews form one of the world's most isolated and threatened communities;

Whereas, Yemeni-Jews have been severely restricted, permission to leave for any reason, be it for illness, family reunification, or education;

Whereas, Yemeni-Jews are denied public education and only recently allowed to form their own schools;

Whereas, the restrictions on emigration and movement on Yemeni-Jews violate the international Covenant on Civil and Political Rights, to which Yemen is a signatory;

Whereas, the last sizable emigration of Yemeni-Jews occurred in 1962, before the Yemeni civil war;

Whereas, information has just been received that many Jews are leaving the Yemen hill country due to a lack of food and any means of work thus putting an added strain on the Jewish community already unable to sustain itself: Now, therefore, be it *Resolved*, That the Senate—

(1) urges the Government of the Yemen Arab Republic to cease its obstruction and allow unlimited Yemeni-Jewish emigration from the country, free travel for family reunification, medical treatment and educational purposes;

(2) urges that the provision of free and unlimited exchange of letters and phone calls be extended to Yemeni-Jews;

(3) urges that the issue of the emigration and family reunification of Yemeni-Jews be part of any equation of any kind of United States aid to the Government of the Yemen Arab Republic, including technology, development assistance, agricultural assistance, and weapons;

(4) urges the President to discuss with the allies and trading partners of the United States to make similar pleas to the Yemen Arab Republic on behalf of Yemeni-Jews' freedom of travel and emigration.

Mr. D'AMATO. Mr. President, I rise today to introduce a resolution that calls upon the Government of the Yemen Arab Republic to lift its restrictions on Yemeni-Jews and allow them freedom of unlimited and complete emigration and travel.

Almost immediately after the birth of the State of Israel in 1948, Jews and Arab lands were targeted for discrimination and segregation. Those that did not have the chance to emigrate were subject to arbitrary and complicated legal procedures that governed every aspect of their existence. We have heard of the Jews of Iraq, Syria, and from the countries of North Africa, yet we must address the problems facing the 1,200–1,500 remaining Jews of Yemen.

Following the end of Israel's victory in the war of independence, some 50,000 Yemeni-Jews made aliyah in "Operation Magic Carpet." Despite thoughts that all of Yemen's Jews had made their way out to Israel, unfortunately a small community had been left there.

The Jewish community in Yemen has since fallen prey to the harsh realities of Arab nationalist rule, whereby Jews in Arab lands become subject to reprisal for any action in the long Arab-Israeli struggle. They are held hostage to the whim of the government and discriminated against in every walk of life.

The Jews of Yemen face severe restrictions in the economic and social life of the nation. Most importantly, they are denied the right of free and complete emigration and travel for family reunification, medical treatment, or even educational purposes.

The last sizable emigration of Yemeni-Jews occurred in 1962 before the Yemeni Civil War. A precious few have been allowed out since then. Yemen refuses to allow its Jews to leave the country. This is the problem and this is why we must act.

Information has been received as of late that many Jews are leaving the Yemen hill country out of hunger and for a lack of work. This places an added strain on an already overstressed community and only exacerbates the situation.

Just as with Syria, Yemen too must be told that it cannot hold its Jewish population hostage. As these nations claim to be progressive, "peace-loving" members of the international community, they deny the most basic of human rights to a small segment of their population only because that population is Jewish. This is outrageous.

Yemen must allow Yemeni-Jews to emigrate and be reunified with their families overseas. The Yemeni claim to be a civilized nation cannot be taken seriously until it allows Yemeni-Jews free. The time for action is now. Yemen's Jews must be free.

AMENDMENTS SUBMITTED

INTERSTATE TRANSPORTATION ON MUNICIPAL WASTE ACT

COATS (AND OTHERS) AMENDMENT NO. 2731

Mr. COATS (for himself, Mr. BOREN, and Mr. SPECTER) proposed an amendment to the bill (S. 2877) entitled the Interstate Transportation on Municipal Waste Act, as follows:

Beginning on page 3, strike line 24 and all that follows through page 4, line 18 and insert in lieu thereof:

"(ii) a written, legally binding contract for disposal of municipal waste generated outside the jurisdiction of the affected local government that is consistent with, and was lawfully entered into after June 18, 1992, as the result of—

"(I) a host agreement; or

"(II) a written, legally binding, contract that was lawfully entered into by the affected local government and authorizes a landfill or incinerator to receive municipal waste generated outside the jurisdiction of the affected local government.

"(D) A Governor may require that contracts covered by (i), or (ii) of subparagraph (C) of this paragraph be filed with the State."

CHAFEE (AND BOREN) AMENDMENT NO. 2732

Mr. CHAFEE (and Mr. BOREN) proposed an amendment to the bill S. 2877, supra, as follows:

At the end of the Coats amendment add the following new text:

"(E) Nothing in this Act shall be construed as encouraging the abrogation of written, legally binding contracts for disposal of municipal waste generated outside the jurisdiction of the affected local government that were in effect on June 18, 1992. The validity of any action by a Governor which would result in the violation of or failure to perform any provision of such contracts shall be determined under applicable State law.".

SPECTER AMENDMENT NO. 2733

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment to the bill S. 2877, supra, as follows:

On page 6, between lines 11 and 12, insert the following new paragraph:

"(3) except as provided in paragraph (1)(C) and in addition to the authorities provided in paragraph (1)(A) beginning with calendar 1995, a Governor of any state which receives more than 1.25 million tons of out-of-state municipal waste, if requested in writing by the effected local government and the effected local solid waste planning unit, if any, may further limit the disposal of out-of-state municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30 percentum annual volume limitation to 20 percentum in each of calendar years 1995 and 1996 and to 10 percentum in each succeeding calendar year."

On page 6, line 12, strike "(3)(A)" and insert "(4)(A)."

On page 7, line 3, strike "(4)(A)" and insert "(5)(A)."

HATFIELD (AND OTHERS) AMENDMENT NO. 2734

(Ordered to lie on the table.)

Mr. HATFIELD (for himself, Mr. PACKWOOD, and Mr. JEFFORDS) submitted an amendment to the bill S. 2877, supra, as follows:

On page 2, before line 1, add the following new title:

TITLE I—INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE

On page 2, line 1, strike "2" and insert "101".

On page 13, after line 7, add the following new title:

TITLE II—BEVERAGE CONTAINER RECYCLING

SEC. 201. SHORT TITLE.

This title may be cited as the "National Beverage Container Reuse and Recycling Act of 1992".

SEC. 202. FINDINGS.

The Congress finds the following:

(1) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(2) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of such containers.

(3) Solid waste resulting from such empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and problems of effectively managing the disposal of such waste.

(4) It is difficult for local communities to raise the necessary capital needed to initiate comprehensive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate these unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers, and these have proven inexpensive to administer and effective at reducing financial burdens on communities by internalizing the cost of recycling and litter control to the producers and consumers of beverages.

(7) A national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and would result in a high level of reuse and recycling of such containers and help reduce the costs associated with solid waste management.

(8) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery.

(9) The reuse and recycling of empty beverage containers would eliminate these unnecessary burdens on the Federal Government, local and State governments, and the environment.

(10) The collection of unclaimed refunds from such a system would provide the resources necessary to assist comprehensive reuse and recycling programs throughout the Nation.

(11) A national system of beverage container recycling is consistent with the intent of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

(12) The provisions of this title are consistent with the goals set in January 1988, by the Environmental Protection Agency, which establish a national goal of 25 percent source reduction and recycling by 1992, coupled with a substantial slowing of the projected rate of increase in waste generation by the year 2000.

SEC. 203. AMENDMENT OF SOLID WASTE DISPOSAL ACT.

(a) AMENDMENT.—The Solid Waste Disposal Act is amended by adding the following new subtitle at the end thereof:

"SUBTITLE K—BEVERAGE CONTAINER RECYCLING

"SEC. 12001. DEFINITIONS.

"For purposes of this subtitle—

"(1) The term 'beverage' means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety of liquid form intended for human consumption.

"(2) The term 'beverage container' means a container constructed of metal, glass, plastic, or some combination of these materials and having a capacity of up to one gallon of liquid and which is or has been sealed and used to contain a beverage for sale in interstate commerce. The opening of a beverage container in a manner in which it was designed to be opened and the compression of a beverage container made of metal or plastic shall not, for purposes of this section, constitute the breaking of the container if the statement of the amount of the refund value of the container is still readable.

"(3) The term 'beverage distributor' means a person who sells or offers for sale in interstate commerce to beverage retailers beverages in beverage containers for resale.

"(4) The term 'beverage retailer' means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

"(5) The term 'consumer' means a person who purchases a beverage container for any use other than resale.

"(6) The term 'refund value' means the amount specified as the refund value of a beverage container under section 12002.

"(7) The term 'wine cooler' means a drink containing less than 7 percent alcohol (by volume), consisting of wine and plain, sparkling, or carbonated water and containing any one or more of the following: non-alcoholic beverage, flavoring, coloring materials, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives.

"SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.

"Except as otherwise provided in section 12007, no beverage distributor or beverage retailer may sell or offer for sale in interstate commerce a beverage in a beverage container unless there is clearly, prominently, and securely affixed to, or printed on, the container a statement of the refund value of the container in the amount of 10 cents. The Administrator shall promulgate rules establishing uniform standards for the size and location of the refund value statement on beverage containers. The 10 cent amount specified in this section shall be subject to adjustment by the Administrator as provided in section 12008.

"SEC. 12003. ORIGINATION OF REFUND VALUE.

"For each beverage in a beverage container sold in interstate commerce to a beverage retailer by a beverage distributor, the distributor shall collect from the retailer the amount of the refund value shown on the container. With respect to each beverage in a beverage container sold in interstate commerce to a consumer by a beverage retailer, the retailer shall collect from the consumer the amount of the refund value shown on the container. No person other than the persons described in this section may collect a deposit on a beverage container.

"SEC. 12004. RETURN OF REFUND VALUE.

"(a) PAYMENT BY RETAILER.—If any person tenders for refund an empty and unbroken beverage container to a beverage retailer who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage in the same kind and size of container, the retailer shall promptly pay such person the amount of the refund value stated on the container.

"(b) PAYMENT BY DISTRIBUTOR.—If any person tenders for refund an empty and unbroken beverage container to a beverage distributor who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage in the same kind and size of container, the distributor shall promptly pay such person (1) the amount of the refund value stated on the container, plus (2) an amount equal to at least 2 cents per container to help defray the cost of handling. This subsection shall not preclude any person from tendering beverage containers to persons other than beverage distributors.

"(c) AGREEMENTS.—(1) Nothing in this subtitle shall preclude agreements between dis-

tributors, retailers, or other persons to establish centralized beverage collection centers, including centers which act as agents of such retailers.

"(2) Nothing in this subtitle shall preclude agreements between beverage retailers, beverage distributors, or other persons for the crushing or bundling (or both) of beverage containers.

"SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND PROVISIONS FOR STATE RECYCLING FUNDS.

"(a) UNCLAIMED REFUNDS.—At the end of each calendar year each beverage distributor shall pay to each State an amount equal to the sum by which the total refund value of all containers sold by the distributor for resale in that State during that year exceeds the total sum paid during that year by the distributor under section 12004(b) to persons in that State. The total of unclaimed refunds received by any State under this section shall be available to carry out pollution prevention and recycling programs in that State.

"(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the total of payments made by a beverage distributor in any calendar year under section 12004(b) for any State exceed the total refund value of all containers sold by the distributor for resale in that State, the excess shall be credited against the amount otherwise required to be paid by the distributor to that State under subsection (a) for a subsequent calendar year designated by the beverage distributor.

"SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS AND POST-REDEMPTION DISPOSAL.

"(a) DETACHABLE OPENINGS.—No beverage distributor or beverage retailer may sell, or offer for sale, in interstate commerce a beverage in metal beverage container a part of which is designed to be detached in order to open such container.

"(b) POST-REDEMPTION DISPOSAL.—No retailer or distributor or agent of a retailer or distributor may dispose of any beverage container labeled under section 12002 or any metal, glass, or plastic from such a beverage container (other than the top or other seal thereof) in any landfill or other solid waste disposal facility.

"SEC. 12007. EXEMPTED STATES.

"(a) IN GENERAL.—(1) The provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle shall not apply with respect to any State which—

"(A) has adopted and implemented requirements applicable to all beverage containers sold in such State which the Administrator determines to be substantially similar to the provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle; or

"(B) demonstrates to the Administrator that, for the period of 12 consecutive months immediately preceding the effective date of this subtitle, the State achieved a recycling or reuse rate for beverage containers of at least 70 percent.

"(2) If at any time following a demonstration under paragraph (1)(B) that a State has achieved a 70 percent recycling or reuse rate, the Administrator determines that the State has failed, for any period of 12 consecutive months, to maintain at least a 70 percent recycling or reuse rate of its beverage containers, the Administrator shall notify the State that, upon the expiration of the 90-day period following such notification, the provisions under sections 12002 through 12005 and sections 12008 and 12009 shall be applicable with respect to that State until a subsequent determination is made under paragraph (1)(A) or a demonstration is made under paragraph (1)(B). For purposes of this section, if a State demonstrates to the Administrator that, for the period of 12 consecutive months immediately preceding the effective date of this subtitle, such State had a mandatory Statewide recycling program; and is achieving a recycling or reuse rate for beverage containers of at least 60 percent on the effective date of this subtitle, the State shall be deemed to have satisfied the requirements of paragraph (2) and shall be granted an additional 2 years to achieve a recycling or reuse rate of at least 70 percent.

"(b) DETERMINATION OF TAX.—No State or political subdivision which imposes any tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of such container.

"(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle shall be construed to affect the authority of any State or political subdivision thereof to enact or enforce (or continue in effect) any law respecting a refund value on containers other than beverage containers or from regulating redemption and other centers which purchase empty beverage containers from beverage retailers, consumers, or other persons.

"SEC. 12008. REGULATIONS.

"Not later than 12 months after the date of enactment of this subtitle, the Administrator shall prescribe regulations to carry out this subtitle. The regulations shall include a definition of the term 'beverage retailer' in a case in which beverages in beverage containers are sold to consumers through beverage vending machines. Such regulations shall also adjust the 10 cent amount specified in section 12002 to account for inflation. Such adjustment shall take effect 10 years after the date of enactment of this subtitle and additional adjustments shall take effect at 10 year intervals thereafter.

"SEC. 12009. PENALTIES.

"Any person who violates any provision of section 12002, 12003, 12004, or 12006 shall be subject to a civil penalty of not more than $1,000 for each violation. Any person who violates any provision of section 12005 shall be subject to a civil penalty of not more than $10,000 for each violation.

"SEC. 12010. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as provided in section 12008 and subsection (b), this subtitle shall become effective on the date that is 3 years after the date of enactment of this title.

"(b) EXCEPTION.—If a State demonstrates to the Administrator that, for the period of 12 consecutive months immediately preceding the effective date prescribed in subsection (a), the State achieved a recycling or reuse rate for beverage containers of at least 60 percent, this subtitle shall become effective with respect to the State on the date that is 5 years after the date of enactment of this title.".

(b) TABLE OF CONTENTS.—The table of contents for such Act is amended by adding the following at the end thereof:

"SUBTITLE K—BEVERAGE CONTAINERS RECYCLING

"Sec. 12001. Definitions.
"Sec. 12002. Required beverage container labeling.
"Sec. 12003. Origination of refund value.
"Sec. 12004. Return of refund value.
"Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.
"Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.
"Sec. 12007. Exempted States.
"Sec. 12008. Regulations.
"Sec. 12009. Penalties.
"Sec. 12010. Effective date.".

U.S. CAPITOL POLICE JURISDICTION ACT

FORD AMENDMENT NO. 2735

Mr. LAUTENBERG (for Mr. FORD) proposed an amendment to the bill (S. 1766) relating to the jurisdiction of the U.S. Capitol Police, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Capitol Police Jurisdiction Act".

SEC. 2. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101–520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

SEC. 3. JURISDICTION OF CAPITOL POLICE.

(a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended to read as follows:

"SEC. 9. (a)(1) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this Act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia is authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds.

"(2) The Capitol Police shall have authority to make arrests in that part of the District of Columbia outside the United States Capitol Grounds for any violations of any law of the United States or the District of Columbia, or any regulation promulgated pursuant thereto. The arrest authority of the Capitol Police under this paragraph shall be concurrent with that of the Metropolitan Police force of the District of Columbia.

"(b)(1) For the purpose of this section, the term 'Grounds' includes the House Office Buildings parking areas, and any property acquired, prior to or on or after the date of the enactment of this subsection, in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House of Representatives, by lease, purchase, intergovernmental transfer, or otherwise, for the use of the Senate, the House of Representatives, or the Architect of the Capitol.

"(2) The property referred to in paragraph (1) of this subsection shall be considered 'Grounds' for purposes of this section only during such period that it is used by the Sen-

ate, House of Representatives, or the Architect of the Capitol. On and after the date next following the date of the termination by the Senate, House of Representatives, or Architect of the Capitol of the use of any such property, such property shall be subject to the same police jurisdiction and authority as that to which it would have been subject if this subsection had not been enacted into law.".

(b) The authority granted to the Capitol Police by the amendment made by subsection (a) of this section shall be in addition to any authority of the Capitol Police in effect on the date immediately prior to the date of the enactment of this Act.

SEC. 4. UNIFIED PAYROLL STUDY.

The Capitol Police Board shall provide for a study to determine the feasibility and desirability of administering payrolls for members of the Capitol Police and civilian support personnel of the Capitol Police on a unified basis by a single disbursing authority. The Capitol Police Board shall report the results of such study, together with its recommendations, to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives before January 1, 1994.

TITLE I—LUMP-SUM PAYMENT PROVISIONS

SEC. 101. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

SEC. 102. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

SEC. 103. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

TITLE II—CITATION RELEASE

SEC. 201. BAIL AND COLLATERAL.

(a) ACTING CLERK.—(1) The judges of the Superior Court of the District of Columbia shall have the authority to appoint an official of the United States Capitol Police to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for these services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock post meridian and 9 o'clock ante meridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

(2) An officer or member of the United States Capitol Police who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court.

(3) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the United States Capitol Police designated under paragraph (1) of this subsection to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

(4) No citation may be issued under paragraph (2) or (3) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

(b) PENALTY.—Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than 1 year, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

NOTICE OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding hearings on Tuesday, July 21, 1992, beginning at 9:30 am., in 485 Russell Senate Office Building on a draft legislation to establish a National Indian Policy Research Institute, to be followed by another hearing beginning at 2:30 p.m. on S. 2746, the Overseas Private Investment Corporation Indian Eligibility Act of 1992.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, July 23, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2833, the Crow Settlement Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Wednesday, July 22, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building on S. 2975, the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1992.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 28, 1992, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Hugo Pomrehn, nominee to be Under Secretary of Energy and John Easton, Jr. to be an Assistant Secretary of Energy for Domestic and International Energy Policy, Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224–7562.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 21, 1992, at 9:30 a.m., in executive session, to markup conventional forces and alliance defense programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 21, 1992, at 4 p.m., in executive session, to markup manpower and personnel programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 21, 1992, at 2:30 p.m., in executive session, to markup readiness, sustainability, and support programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 21, 1992, at 9:30 a.m., on auto repair fraud.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 21, 1992, at 3 p.m. on the nomination of Jose Antonio Villamil of Florida to be Under Secretary of Commerce for Economic Affairs and Mary Jo Jacobi of Mississippi to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, July 21, 1992, at 10 a.m. to conduct a hearing on the Federal Reserve's Semi-Annual Monetary Policy Report.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 21, 1992, at 10 a.m. to hold a hearing on the effect the U.S. Tax Code has on competitiveness, compared with tax systems in Germany, Japan, and the United Kingdom.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, July 21, at 10 a.m. for a hearing on the subject: Federal technology policy and environmental protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 21, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on a draft legislation to establish a National Indian Policy Research Institute, to be followed by another hearing beginning at 2:30 p.m. on S. 2746, the Overseas Private Investment Corporation Indian Eligibility Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO CARL GARNER, HEBER SPRINGS, AR

• Mr. PRYOR. Mr. President, today Carl Garner of Heber Springs, AR, will be installed into the Take Pride in America Hall of Fame on behalf of the Greers Ferry Lake and Little Red River cleanup project.

The hall of fame designation for this Arkansas project comes after a fifth consecutive Take Pride in America Award. Carl Garner has been the driving force behind the cleanup, the first of which occurred back in 1970.

Each year volunteers clean a two-county area, including 300 lakeshore miles, 25 river miles and 50 roadside miles. No public funds are used. Area businesses donate expense money.

The Greers Ferry Lake and Little Red River Cleanup, now in its 23d year, is a year-round environmental and educational program. Its sponsors include the U.S. Army Corps of Engineers, the Greers Ferry Lake Resident office, the Greers Ferry Lake and Little Red River Association, the U.S. Fish and Wildlife Service, Greers Ferry National Fish Hatchery, Coca Cola Bottling Co. of Arkansas, Bev-Pak Recycling Inc., Keep America Beautiful Commission, and Reynolds Aluminum Recycling Co.

This project has been so successful that it has been the national model for Federal lands' cleanup initiatives.

Mr. President, I applaud the continued hard work of Carl Garner and the thousands of volunteers who work throughout the year to make this recreational area a showplace in our State.•

THE 33D ANNIVERSARY OF CAPTIVE NATIONS WEEK

• Mr. D'AMATO. Mr. President, I rise today to denounce the continued oppression perpetrated by Communist regimes which have been unyielding in their resistance to the global spread of democracy. As this week marks the 33d anniversary of Captive Nations Week, there are still millions of people enslaved by communism.

This is truly a time of thanksgiving. The cold war has ended with democracy victorious. The Soviet Union has died an overdue death and the people of Russia have democratically elected a president, Boris Yeltsin.

Communism, which always claimed to be an egalitarian system has failed. Communism was, indeed, successful in creating an egalitarian society only in the sense that all Soviet citizens led equally miserable lives. It was the Communist Party elite who enjoyed more privileged lifestyles and parasitically fed off the labor of the captive peoples of their rule.

We cannot rest until communism is laid to rest everywhere. Oppressive Communist regimes must not be allowed to continue abusing their people through suppressive activities such as the Tiananmen Square crackdown.

We also cannot allow these remaining Communist regimes to ship weapons and sensitive nuclear technology to belligerent Third World nations. China and North Korea are well known for these acts of destabilization. For there to be peace this must stop.

In order to guarantee our long-term security and the security of newly elected democratic states, communism must finally be laid to rest.•

WORLD ORGANIZATION FOR EARLY CHILDHOOD EDUCATION CONFERENCE

• Mr. DECONCINI. Mr. President, from August 2 to August 7, 1992, two cities in Arizona, Flagstaff and Mesa, will be the joint sites of the 20th World Congress of the World Organization for Early Childhood Education—OMEP, [Organisation Mondiale pour

l'Education Préscolaire]. During these 6 days, 2,000 delegates from 55 member nations will come together on the campus of Northern Arizona University in Flagstaff and at Centennial Hall in Mesa to promote the health, education, rights, and general well-being of children around the world. Since its inception in Prague 44 years ago, this is only the second time the OMEP World Congress will be held in the United States.

While in Arizona, OMEP members will share ideas and initiate action on issues surrounding this year's theme: "Working for All Children: Their Survival, Protection and Development." Specifically, conferees will focus on implementation of the goals of the historic 1990 World Summit for Children, where for the first time ever, leaders from over 70 nations gathered together at the United Nations to discuss the state of the world's children.

There are almost 3 billion children on the Earth today; tragically, more than 14 million of them will die this year. One thousand will die in the next hour alone. Most of the deaths—from measles, whooping cough, diarrhea, tetanus, and pneumonia—could be prevented with the medical technology and know-how which we already possess. As James P. Grant, executive director of UNICEF, says: "It is the greatest condemnation of our times that more than a quarter of a million small children should still be dying every week of easily preventable illness and malnutrition. Such facts shame and diminish us all."

In a few days educators, pediatricians, lawyers, psychologists, social workers, writers, and parents from the world community, many of international renown, will meet in Arizona to address a common goal—to improve the lives of children everywhere. They will exchange information on eliminating childkilling diseases, on combating world starvation, on increasing child immunizations, on reducing infant mortality, and increasing educational opportunities for children. Speeches will be simultaneously translated into English, Spanish, and French, and the major sessions will be available worldwide via satellite teleconferencing. It is an excellent way of utilizing the ideas and motivation of 2,000 committed delegates from around the world.

I would like to congratulate the cities of Flagstaff and Mesa on being chosen as the sites of OMEP's 20th World Congress. This is an honor that has only been bestowed once before in the United States. OMEP is an outstanding example of the fact that we are all members of one world community with the common responsibility to care for our young. To abandon this responsibility today is to risk the best hope we have for our future.●

TRIBUTE TO SALYERSVILLE

● Mr. McCONNELL. Mr. President, I rise today to recognize the town of Salyersville in Magoffin County.

Salyersville is a true Kentucky town steeped in the fine values and traditions which make me proud to represent this great Commonwealth of Kentucky. Located in the rising mountains of the Cumberland plateau, Salyersville holds a unique place not only in the geography of our State, but in its history as well.

Many towns theses days are just a stopping point for today's mobile families. Salyersville, however, is a town of deep-rooted family trees and family values. A number of families can trace their history in Magoffin County all the way back to the American Revolution.

As Salyersville forges ahead toward the year 2000 it will be challenging for the town to maintain its connection with the past while keeping up with the present. However, I am confident that Salyersville will accept this challenge as it has done in the past when facing similar situations.

The citizens of Salyersville are revitalizing the downtown and cleaning up the city-county park. It is this unstoppable work ethic which will ensure Salyersville a bright future.

Mr. President, I would like the following article from the Louisville Courier-Journal to be submitted into the RECORD.

The article follows:

SALYERSVILLE

(By John Voskuhl)

Connie Wireman, an elementary school teacher, knows the hold that Salyersville and Magoffin County have on their people.

Wireman's class participated in a field trip to Cincinnati last school year. On the trip home, after miles of travel through the Bluegrass, their school bus began the slow climb up the Bert T. Combs Mountain Parkway, which ends at Salyersville.

At the instant they hit the mountains, the students loosed a spontaneous cheer, Wireman said.

"There's just something about these mountains," she said, smiling.

Wireman works with the Magoffin County Historical Society, which gives her insight into how people love to return to Salyersville. Each year over the Labor Day weekend, hundreds of people return to Salyersville for Founder's Day—a celebration that may be the most unusual of Kentucky's festivals.

Here's what happens: People from all over the country come to Salyersville to talk about their family histories. As it has done over the 14 years of the festival, the historical society presents a book—sometimes as long as 1,000 pages—on the history of a particular family. (The first year, 1978, the book was about the Adams family, in honor of William Adams, the town's founder.)

Kentucky counties have festivals of all sorts where folks celebrate, among other things, honey, apples, ham, hillbillies, coal, barbecue and mountain laurel. But, as Wireman put it, "I don't know of any other county that has a genealogy festival."

Here's a statistic to show how important history, genealogy and—yes—family names are to the people of Magoffin County. In a county of only about 13,000 people, the historical society has about 700 members. Proportionately, that would be like a Jefferson County genealogy society with more than 35,000 members.

The story of Salyersville is written in the local telephone book. It's in the surnames that recur on page after page: Adams, Arnett, Bailey, Howard, Montgomery, Prater, Salyer, Whitaker and Wireman.

Many of those names also appear on 200-year-old land grants that were awarded for service in the American Revolution. They appear in history books. They appear on tombstones. They appear on the doors of businesses and in the Magoffin County High School yearbook.

With few exceptions, the names in the telephone book belong to the families that established Salyersville. There are a few—a very few—newer names. A handful aren't so Anglo-Saxon. But residents have a ready explanation for that.

"It's got to be somebody who's married a girl from here and moved here," said Salyersville's mayor. His name is W. Joe Howard. "I'm always surprised to see those sorts of names in the phone book," he said.

(But don't get the idea that Salyersville's telephone book is boring. What it lacks in surname diversity, it makes up for in first names. Check 'em out: Tut, Grimzle, Chat, Gustie, Euriac, Edro, Comilus, Hearl, Wondle, Zendle, Ralfred, Treampas, Minus Ray, Vurmay, Burnzo, Wishard, Froy, Esknovah, Coachie, Rayon, Palisteen and Shelto.)

As the surnames indicate, Salyersville is a town with deep roots, a place that people don't like to leave.

"When the people took root, they rooted," said Todd Preston, president of the historical society.

That commitment to place has helped to keep Salyersville a small, tightknit community, said David Profitt, a Baptist minister whose family operates Martin's department store. At the same time—as with most small towns—it may keep new ideas from taking root.

For Profitt and others, staying the same means staying pretty good.

"Growing up, I had the opportunity to see firsthand a lot of good, rural values," Profitt said. "Basically, it's not much different now. It's still a good place to be."

That's not to say that Salyersville doesn't have problems.

Over the years, it's had its share of controversies and conflicts. Historically, the problem has centered on politics. Many elections were marred by allegations of vote-buying.

Howard, the mayor, acknowledges the past, but said it is just that—the past.

"There hasn't been any vote-buying in the past two elections," he said. "It's something that's kind of in the past in our county now. I think that's improved our county a lot."

But there's still conflict in and around Salyersville. The most highly publicized flap in recent months has been about a Florida-based partnership's proposal to build a large landfill that would accept waste—including fly ash—from outside the area and, possibly, out of state. Some county officials seemed to be preparing for the landfill without informing the public.

After news of the proposal broke last year, Magoffin Fiscal Court promised to block the landfill. But later the magistrates reversed

themselves, citing the opportunity for job-creation and for royalties that the partnership would pay to the county government. At this point, the landfill partnership has a permit application before state regulators, who are waiting for Fiscal Court to prepare a local waste-management plan.

Meanwhile, a citizens' group has collected about 7,000 signatures on a petition to put the issue before voters. Many residents fear that leakage from the landfill, could contaminate the Licking River, the county's water source.

Their petition is being considered for certification, but the partnership, Eastern Kentucky Resources, has filed suit seeking a declaration that such referendums are unconstitutional.

The partnership has paid about $150,000 in royalties but fiscal court voted last week not to spend that money.

People like Charles Hardin, a physician who heads Magoffin Countians for a Better Environment, say the issue has galvanized a citizenry that had grown complacent.

"I think this landfill issue has really pointed out the short-term and long-term importance of citizen involvement," he said.

For instance, the environmental group has now gone beyond its original mission of stopping the landfill to cleaning up the city-county park in Salyersville and reinvigorating the local Independence Day parade.

That zest for change may be reflected in the turnaround of the City Council, said James M. "Pete" Shepherd, a dentist who was among a new slate of "fiscal reformers" that took office in January.

"I think people are saying we just can't keep electing the good old boys," Shepherd said.

Since January, Shepherd said, the new council has increased the budgets of the city police and fire departments by 20 percent each, begun paying off debts that the city has accumulated and eliminated a 1 percent occupational tax that the former City Council instituted.

Not many city councils are cutting taxes these days, Shepherd acknowledged. But he said the Salyersville council was able to do so by cutting about 30 percent out of the city's "general government budget." The mayor's salary—and benefits for city employees—were reduced.

At the same time, a lot of "contract labor," such as a $3,400 contract for a "city detective," was cut.

"Nobody could tell us what a city detective did," Shepherd said.

But even as the city government gets on more solid financial footing, the city's economy is somewhat wobbly.

Coal, oil and gas—traditionally the major employers in Magoffin County—have dwindled in recent years. Double-digit unemployment is the norm.

"I think the biggest problem Salyersville has is the biggest problem that Eastern Kentucky has, and that is a lack of economic opportunity," Hardin said.

Like a lot of small towns, Salyersville's main square has more than its share of vacant buildings. The parkway, which runs just south of town, where it links up with U.S. 460, takes most travelers to a new strip dotted with fast-food restaurants and service stations.

Even Martin's, the department store that has anchored a spot downtown since 1953, will be moving out to a shopping center soon in search of more parking and more shoppers, Profitt said.

City leaders have big plans to refurbish downtown—planting trees, burying telephone and power cables, laying brick sidewalks and putting in decorative lighting fixtures.

The idea is to make Salyersville's downtown a place for specialty shops, Howard said—"something that would bring people into town."

Once they arrive, Howard said, people will find a pleasant community with an established sense of history that is now—thanks in large part to the landfill controversy—beginning to establish a sense of the future.

"People are starting to look around at the city and the county, and they're wanting something better," he said. "Standing together on one issue sort of puts them together on a lot of issues."

Population (1990): Magoffin County, 13,077; Salyersville, 1,917.

Per capita income (1988): $7,247, or $5,545 below the state average.

Jobs: State and local government, 591; wholesale and retail, 347; service, 300.

Biggest employer: Continental Conveyer & Equipment Co., 200 jobs; Salyersville Health Care, Inc., 134; KBC Mining Co., 57; Precision Pipeline, 50.

Education: Magoffin County Schools, 3,030 students.

Media: Newspapers: Salyersville independent, weekly. Radio: WRLV, AM and FM (country).

Transportation: Road—Salyersville is served by the Bert T. Combs Mountain Parkway, U.S. 460, Ky. 7 and Ky. 114. Rail—CSK Transportation serves Magoffin County, though the rail does not extend to Salyersville. Air—The nearest commercial airport is the Tri-State Airport in Huntington, W.Va., 77 miles.

Topography: Salyersville lies in the Licking River valley amid small patches of relatively flat farmland and the steeply rising mountains of Appalachia's Cumberland Plateau.

FAMOUS FACTS AND FIGURES

There's a whole lotta licking going on in Magoffin County. In addition to the Licking River, which rises there, the county also has a town called Lickburg. And there are the creeks and branches that feed the Licking: Salt Lick, Big Lick, White Lick, Painters Lick, Lick Creek and Tick Lick.

Magoffin County was carved out of parts of Floyd, Johnson and Morgan counties in 1860 and was named for Gov. Beriah Magoffin. Magoffin was a Confederate sympathizer who resigned as governor in 1862 after unionists in the General Assembly pressured him to ease enforcement of Kentucky's Armed Neutrality Act.

Salyersville was originally known as Adamsville, after William "Uncle Billie" Adams, who had donated land for public buildings and encouraged economic development. But when the village became the county seat, its name was changed to Salyersville in honor of state Rep. Sam Salyer, who introduced the bill that created the county.

Visitors to Magoffin can study Eastern philosophy in Orient, research Western thought in Plutarch, try to find their spiritual center in Mid, scale new heights in Tiptop or simply wander around Gypsy.●

CAPTIVE NATIONS WEEK

● Mr. LEAHY. Mr. President, I rise to call attention to Captive Nations Week, July 19 through 25. I do so not only because we commemorate the plight of oppressed nations this week, but also because the past 12 months have given new meaning to the concept of "captive nations." While the list of such nations fortunately has grown shorter, recent turmoil around the world has shown how precarious the existence of subjugated nations really is.

We have seen the greatest progress in the former Soviet Union. I hope that the new sovereignty of the former Soviet Republics will bring the kind of peace and friendship which everyone has hoped for since the formation of the Commonwealth of Independent States in December.

Most of us here realize that Russia's fledgling democratic government faces serious economic and political challenges. But President Boris Yeltsin and his supporters must not allow these problems to prevent the withdrawal of Russian troops from the Baltic States and Moldova promptly. I also hope that reforms in Russia will consolidate the civil rights of the more than 50 non-Russian nationalities within the Russian Federation. This body's passage of the Freedom Support Act reflects our faith that Russia's current leadership will strive to continue improving relations among Eurasia's diverse cultures.

In sharp contrast to the progress in the former Soviet Union, mainland China remains a captive nation, as its people continue to suffer severe political, cultural, and religious repression at the hands of the oligarchy in Beijing.

China's leaders also keep other cultures—particularly Tibetans—in a tight stranglehold. Beijing's policy of trampling native Tibetan culture reflects a desire to preserve the borders of the old Chinese Empire—a historical anachronism which does not belong in this century, much less the next. As I have said before, this body must not compromise its stand on human rights by approving unconditional most-favored-nation status for the People's Republic of China. To do so would subsidize that government with a United States trade deficit, and thus encourage the Chinese leaders' belief that they can get away with oppressing their own people.

Next to China lies another captive nation, North Korea, whose regime has chosen to resist the global trend toward freedom. In so doing, the leaders in Pyongyang have made their state an isolated hermit kingdom which Korea had been in ancient times.

One captive nation lies right at our doorstep: Cuba. For over 30 years now, the Cuban people have lived under a repressive system which revolves around the personality cult of Fidel Castro. Cuba's economy remains a hard-line, centralized command system which crushes all initiative.

Despite ugly situations like those in China and Cuba, there is a feeling of optimism about the future of relations among the world's peoples. Mr. Yeltsin certainly reinforced that feeling when

he recently spoke before Congress. Yet crises around the globe warn us that if we fail to keep a watchful eye out for the safety of small nations, we will face more waves of refugees like those from Haiti, and more heinous acts of genocide like the one in Sarajevo.

I sincerely hope that the coming months will give us still better developments than what we have seen this year. We have come a long way, but we still have a long way to go.●

THE SBA REGION 10 "ENTREPRENEURIAL SUCCESS AWARD"

● Mr. GORTON. Mr. President, I would like to take this opportunity to congratulate a family-owned business in North Bend, WA. The Rogers family was recently awarded the Entrepreneurial Success Award by region 10 of the Small Business Administration. The Rogers' family business has grown over the years from a small truck stop into the Seattle East Auto-Truck Plaza which was singled out of a field of highly competitive applicants from five States to win this prestigious award.

The American entrepreneurial spirit is alive and well in North Bend, WA, thanks to business owners like Neil and Hadley Rogers. The Rogers brothers' story is, undoubtedly, not different than others throughout the State of Washington—or even this Nation—and serves as a reminder that, if given support and backing, the entrepreneur will succeed.

The Rogers have the same worries and concerns of other small businessowners. They worry about excessive Government regulation, keeping their competitive edge in a changing marketplace and finding good employees. In 1975 the Rogers were the recipient of an SBA loan which enabled them to expand and relocate their business. This loan, along with hard work and dedication, started the Rogers along their path to success. Over the course of 17 successful years the Rogers family has been responsible for bringing jobs and economic opportunities to the many families and communities in North Bend.

I extend my congratulations to the Rogers family on receiving the Entrepreneurial Success Award and wish them many successful years to come.

The article follows:

[From the Bellevue Journal American, June 1992]

NO SMALL SUCCESS: NORTH BEND TRUCK STOP WINS NATIONAL SBA HONOR

(By Karl L. Kunkol)

NORTHBEND.—All the Rogers brothers wanted to rebuild their truck stop in 1974 was $1 million.

Start-up capital, they figured, was the only ingredient missing from their recipe for success. The Small Business Association, after a bit of wrongling, came through with the dough, Wednesday, 18 years later, Seattle East Auto-Truck Plaza was saluted during an elaborate luncheon ceremony as one of the SBA's top 10 national success stories.

The finally-owned complex, headed by brothers Neil and Hadley Rogers; won the federal agency's Entrepreneurial Success Award for Region X which includes Alaska, Oregon, Idaho and Washington. The award, given to 10 businesses yearly, honors SBA-aided companies based on their growth, profitability, innovativeness and community contributions.

The 16-acre site north of interstate 90 on exit 34, known locally as "Truck Town," employs more than 150 people to serve more than 1,400 cars and 800 trucks daily with its blend of fuel pumps, home cooking, modest quarters and plenty of free parking. In 1990, its revenues neared $10 million.

Although the extent of Truck Town's success has surprised its operators, they knew they were on to a good thing from the start. "The biggest obstacle we've faced was getting the (SBA) loan," recalled Hadley Rogers, who took his case to Washington, D.C. after the Seattle SBA office rejected the brothers' initial request. "You have to remember, $1 million was a lot of money back then.

"Of course, it still is now * * * but start-up costs for businesses are a great deal more now and $1 million doesn't seem as shocking as it did then." Because the brothers had worked for their father, Ken, in the restaurant and truck stop business in the area since 1941, they were confident in their market. The started as Ken's Cafe with six employees, then relocated in 1960 and became Ken's Truck Town;

The truck stop prospered until 1969 when the highway commission bought the property to pave the way for I-90. The Rogers family continued to lease the truck stop until 1975, when I-90 construction closed its doors and sent the two brothers looking for another site with their new found SBA loan.

"We knew (the current truck stop) would be a success because we had done pretty well at our old location before (the interstate) came in," Hadley Rogers said. After achieving a steady cash flow within a year of the new Truck Town's opening in October 1976, the Rogers have been able to withstand a national energy crunch and two recessions.

"The fuel shortage was tough," Hadley Rogers said. "Truckers would pull up wanting to buy 150 gallons, but all we could sell them was 30." He added the financial strain was even more difficult to swallow because the fuel pinch was artificial, "I thought it was contrived," he said, "Every fuel tank in the country was full * * * but they wouldn't let go of it because every day the price just climbed a little higher."

Today, Neil Rogers serves as Truck Town's chief administrator since his older brother recently retired. He cited the recession and future environmental regulations as the primary challenges facing the business. "The recession hurts because, for one, the truck traffic is way down," Neil Rogers said. "Another thing is that people don't buy as much as they normally would."

"Things that people really need, they still buy. But they don't buy the things they only want. They don't go for any 'extras.'"

Neil Rogers cringes when he thinks what might be the company's next major project—replacing all of the fuel tanks. Truck Town's fuel tanks currently are fine, he explained, but they won't meet some of the new environmental standards. He estimated replacement costs at $160,000.

"That's money spent on which you get no return." Clearly, getting "a return" is the lifeline of the Rogers family that now goes three generations into Truck Town.

"You can't underestimate the family business," Neil Rogers said, "We deal with a lot of people whose dads used to deal with our dad."●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Timothy Galvin, a member of the staff of Senator KERREY, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from July 12–15, 1992.

The committee has determined that participation by Mr. Galvin in this program, at the expense of the CCE, is in the interest of the Senate and the United States.●

TRIBUTE TO R. CHARLES ZIGROSSER

● Mr. D'AMATO. Mr. President, I am proud to have this opportunity today to pay tribute to R. Charles Zigrosser for the numerous acts of courage and selflessness he has demonstrated while serving on the Bayport Fire Department for over 20 years. However, Mr. Zigrosser's most recent accomplishment deserves special attention as it bears testament to his longstanding reputation as a modern day hero.

On July 10, 1991, while attending the funeral of his mother-in-law, Mr. Zigrosser heard children screaming a short distance from the funeral chapel. Charlie quickly discerned a growing cloud of heavy black smoke emanating from a school bus nearby and immediately rushed to the scene to offer his aid. Releasing four small children from the seatbelts which harnessed them inside the burning vehicle. Charlie bravely saved the lives of helpless school children before the eyes of one trapped child's mother and prevented what would have been a certain tragedy.

A former chief of the Bayport Fire Department, Mr. Zigrosser received the Fireman of the Year Award from the Bayport Fire Department in 1991, as well as in 1981. Charlie has extensive firefighting experience as he is a member and former captain of the Bayport

Fire Department Hook and Ladder Company No. 1 and a charter member of the Bayport Fire Department Rescue Squad. Mr. Zigrosser's credentials include serving as a trustee of the Bayport Fire Department and as the treasurer of the Bayport Fire Department Benevolent Association. He graduated from Bayport High School and earned a degree in criminal justice from Suffolk Community College.

Charlie not only devotes himself to his community and friends, but he is also a dedicated and loving husband to his wife Cheryl, and father to his son Michael and daughter Brittany. Mr. Zigrosser is a member of Our Lady of the Snow Church in Blue Point and a valued participant in the Academy Street School Parent Teacher Association. He is currently employed by the U.S. Post Office in Bayport and a part-time dispatcher for the Bayport Fire District.

Charlie is a cherished, courageous, and intelligent volunteer firefighter, a role model for firefighters across the country. Mr. President, it is with great pride and pleasure that I commend Mr. Zigrosser for his selfless acts of kindness and vigilance.●

CHINA'S BISHOP JOSEPH FAN XUEYAN: THE HUMAN RIGHTS ABUSES CONTINUE

● Mr. LEAHY. Mr. President, I wish to call attention to allegations about persecution of Catholics in the People's Republic of China. Recent reports suggest that the current leadership in Beijing conducts a policy of repression which extends far beyond crushing political opposition; that policy includes attacks on basic human rights which we Americans take for granted, such as freedom of worship.

Let me cite one case in particular: That of Bishop Joseph Fan Xueyan. At 85 years of age, Bishop Fan reportedly died in April, while detained in the Baoding area, from severe beatings, including broken legs and a smashed face.

Mr. President, what kind of government condones such treatment? Is this what the Bush administration meant when it claimed some time ago that its policy had "the best change of changing Chinese behavior?"

The steady flow of reports on Chinese human rights abuses underscores the failure of the Bush policy. In fact, the blatant nature of these abuses suggests that if anything, the administration's approach has encouraged Chinese hardliners.

Those hardliners' defiant attitude becomes clearer with a few other reports of repression of Chinese Catholics.

Bishop Paul Liu Shuhe, sentenced in October 1988 to 3 years of re-education through labor, has still not been heard from by his friends and family. When they asked the Public Security Bureau last December where he was, they were told, "He is kept and provided for by the country. Do not ask any more where he is now."

On April 7, 1989, Bishop Julius Jia Zhiguo was arrested and taken on a "journey" until his release on September 11, at which time he received an order restricting his movements for 3 years. The authorities never charged him with any crime.

On December 11, 1991, Chinese authorities forcibly removed Bishop Li Zhenrong from a hospital in Tianjin, disregarding the fact that the bishop was recovering from a cancer operation which had removed two-thirds of his stomach on November 28.

Mr. President, please note that two of these cases of arbitrary arrest occurred well in advance of the Tiananmen crackdown of June 1989. This tells us that the Chinese Government opposed the idea of human rights long before the crackdown rudely woke us up to that fact.

What does that suggest about how constructive engagement influences the Chinese leadership's behavior? Those who argue for granting a blank-check, unconditional MFN to China, as they did about South Africa and Iraq before, tell us, "Wait. Don't limit trade with China. You'll hurt the average people, not the leadership." Who are they trying to kid? Will a leadership which so haughtily tramples the dignity, the very humanity, of its citizens have any qualms about keeping all the country's luxuries for itself? No matter how many American dollars you pump into China by allowing the trade deficit to continue, you cannot make the case that such leaders will allow any significant portion of those dollars to trickle down to the people.

Mr. President, in light of the growing body of evidence that the Chinese Government has systematically worked to stifle the free will of its people in every aspect of their daily lives, and did so even when Americans cherished a rosy image of reforms in that country, I must urge this body to reject MFN status—or at least unconditional MFN status—for the People's Republic of China.

Furthermore, I call on every Senator to monitor closely the human rights situation in China, and I repeat the request I made in 1989: Let every Member of this body write letters, send telegrams, and publicly denounce human rights abuses in China.●

TRIBUTE TO NEIL S. HACKWORTH, MAYOR OF SHELBYVILLE, KY

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian, Mayor Neil Hackworth. Mayor Hackworth has been in office for 10 years and in that time has seen Shelbyville's industrial base expand considerably.

Shelbyville has attracted business from all over the Nation and around the world. Some of the international organizations include two Japanese plants making parts for the auto industry and a Swiss company that manufactures packaging. The increase in industry has led to Shelby County having the second lowest unemployment rate in the State.

Predominantly an agricultural area, Shelby County's population has only increased by 2,000 in 20 years. Therefore, one of Mayor Hackworth's leading goals has been to improve Shelbyville in order to make it an attractive area to live.

Mayor Hackworth was one of the founders of Shelby Development Corp. which was designed to encourage business improvements and developments downtown. Additionally, the city began rehabilitating 12 existing homes and building 13 new ones for some of the disadvantaged in the area.

Mr. President, Mayor Hackworth is more than just a mayor, he is an example of a citizen who contributes through his volunteer efforts. Among the many organizations that he shares his time with is Habitat for Humanity, a nonprofit agency that builds housing for those in need. Other organizations which are lucky enough to have the considerable talents of Mayor Hackworth are: Kentucky League of Cities—he served a 1-year term as president—Kentuckiana Regional Planning and Development Agency, Metro United Way, Greater Louisville, Economic Development Partnership, Goals for Greater Louisville, and an elder at the First Christian Church.

Mr. President, I ask my colleagues to join me in saluting this outstanding Kentuckian. In addition, I ask that the following article from Business First be included in the RECORD.

The article follows:

HACKWORTH USES LOW-KEY STYLE IN BOOSTING SHELBYVILLE

(By Eric Benmour)

What's the worst thing Sharon Hackworth can think to say about her husband, Shelbyville Mayor Neil S. Hackworth?

She can look around their house and see chores that need to be done. "I want it done today," says the school teacher. "He'll look at it and say, 'It'll be there tomorrow.' He'll get it done."

Hackworth, 44, is "kind of quiet," says Sue Carole Perry, the county clerk who also serves with Hackworth on the Kentucky Association of Counties/Kentucky League of Cities Workers' Compensation Board.

"He sits back and smiles at everybody."

Hackworth is not a Type-A personality, which can be important for a mayor, who sometimes has to take unpopular stands, be it on implementing a new tax or putting in a new stop sign.

Hackworth has weathered any and all difficult positions he's taken since he took office in 1982. (Shelbyville has no term limits for mayors.)

"He never has opposition," Perry says.

Hackworth's accomplishments include working on downtown and economic develop-

ment issues, and improving housing for a poor section of town.

During his years in office, Shelbyville's name has popped up in many a news story—both in the local and national press—about a new company moving to the area.

The city's employers include two Japanese plants making parts for the auto industry and a Swiss company that makes packaging. Another large employer, the Budd Co., which makes auto stamping and sheet metal assemblies, is actually located in Shelby County.

As a result of all that industry, in April, Shelby County had the second-lowest unemployment rate in the state—2.7 percent.

The city's population has hardly exploded, however. The figure was 4,182 in 1970 and was 6,238 in 1990. Instead, workers are coming from surrounding counties, causing additional traffic in the city.

A road to divert traffic away from downtown was opened late last year, and Hackworth says the city needs another alternative route.

But, he says, the risk is that such a route could take too much traffic away from downtown and its businesses.

Shelby is predominantly an agricultural county, and Hackworth says he's heard from some people who would like economic development to slow down, but he says he'd like to see a "little more" to help with the city's occupational tax.

Hackworth is an ex-offico member of the Shelby Industrial Development Foundation, which recruits industry into the area. He says the recession slowed down the foundation's economic-development efforts.

The mayor says economic-development officials are looking at companies that employ 100 to 300. They are also trying to encourage more research-oriented businesses to create more white-collar jobs, Hackworth says.

While the population hasn't grown much during his tenure, he says the job continually takes up more of his time, from "a couple of hours a day to considerable time."

The mayor's post is classified as a part-time position having a salary of $24,000.

Hackworth said he averages 25 to 30 hours a week on the job. Hackworth, a lawyer by training who graduated from the University of Kentucky College of Law in 1973, also runs an insurance agency in Shelbyville.

He gave up his law practice the same year he was elected to take over the family insurance business.

The Democrat says he probably averaged 10 hours a week or less as mayor when he was first elected. Hackworth says the increased hours running the city come from economic growth, plus more responsibility has been placed on local governments over the years. Also, as a city does more, there is more to oversee, he says.

For example, Hackworth says his priorities when taking office were on downtown development and housing issues.

"From my standpoint, initially, at least, my hardest efforts went into what to do with the downtown," Hackworth says. "We were seeing a transition, as all small communities have," when downtown department stores closed.

In 1985, he was one of three founders establishing the Shelby Development Corp., which was designed to encourage business improvements and developments downtown. The non-profit group also undertook a planning process for the city called Shelbyville 2000.

The city is rehabilitating 12 existing homes and building 13 new ones for the poor in the Martinsville neighborhood.

Hackworth says a lot of elderly people had seen their community deteriorate and given the stigma of being "that place over there." Hackworth's goal is to give the residents safe, clean homes and make them feel better about their community.

One activity close to Hackworth's heart is Habitat for Humanity, a non-profit agency that builds housing for people in need. The group built its first Shelbyville home in 1991 and hopes to build two more in 1992.

"He said to me he felt that was what Christianity was all about," says Mary Ellen Hackworth, his mother.

In addition to his responsibilities as mayor, Hackworth has also devoted a great deal of time to the Kentucky League of Cities. He was president of the association from July 1, 1991, to June 30, 1992.

He's a board member of the Kentuckiana Regional Planning and Development Agency, has been involved with fund-raising for the Metro United Way, is a board member and executive committee member of the Greater Louisville Economic Development Partnership, is a member of the Goals for Greater Louisville, and is an elder at the First Christian Church.

Hackworth says none of the community activities, such as Habitat for Humanity, is required to be mayor. But during his term, the federal government cut back on what activities would be supported on the local level.

Hackworth says the city had about $600,000 in its budget when he started his first term as mayor, but $100,000 of that was federal revenue-sharing money.

In April 1986 the city council approved an occupational tax of 1 percent on all wage earners in the city.

"I'm in business," says Hackworth, who owns Armstrong Insurance Agency along with his mother. "I knew what that means."

Yet without the tax, he says, he also knew Shelbyville would be in dire straights today because one-quarter of the city's $2 million budget is funded by the occupational tax.

"It pays a lot of the bills," Hackworth says.

Hackworth says he's able to make the tough decisions by weighing the needs of the community against the interests of a few. He says if he's lost any friends over any decisions he's made as mayor, "They really weren't friends anyway."

Bobbie Brenner, Shelbyville's clerk-administrator, says of her boss: "I think he really has a love for this community."

Since the occupational tax was approved, Hackworth has been re-elected.

Hackworth's decision to be mayor stems from an interest in his community that he learned from his father, James.

James Hackworth, who died in 1977, served on the water board and chamber of commerce, and headed fund drives.

"He (James) always insisted we buy from local community people as far as we could," says Neil's mother. "He was interested in every project of the community."

That may stem from the fact James Hackworth worked for the Armstrong Insurance Agency during the Depression and was grateful to his neighbors for helping him through the tough times.

James Hackworth purchased the agency in the early to mid-'60's, Neil Hackworth says.

Neil says his mother also influenced him.

"She was always one who shared a great concern for folks who weren't as well off as the rest of us," Neil Hackworth says. "That's where I learned some of those values."

After James Hackworth died, ownership of the agency passed to his wife and an employee.

In the early 1980s, Hackworth decided to branch out from law and thought it would be a good move to learn about the insurance business.

In 1982, the man running the insurance agency died and there was no management left. Hackworth's two brothers lived out of the area.

"I all of a sudden became manager," Hackworth says. "Also, it was the same year I became mayor. So you can imagine I had a plateful that year."

He gave up his law practice, deciding something had to give.

When asked why he decided to run for mayor, Hackworth says. "I never thought I'd be mayor 10½ years. Some days I wonder now if I want to be mayor. When I got out of law school I went and talked to Wilson Wyatt (former Louisville mayor and partner in Wyatt, Tarrant & Combs, a Louisville law firm) and Mr. Wyatt suggested rather than employing me, that I should go back to my hometown at some point in time and get involved in politics.

"I never took him at his word initially."

He says he didn't think about politics until he ran for mayor. In 1982, Mayor Marshall Long, was elected to Kentucky House of Representatives.

"Marshall had been, I think, a progressive-type person who had tried to get some things accomplished," Hackworth says. "I thought the community needed to have that kind of outlook, and the other folks who had expressed interest in the job, I thought, were more likely to hold things the way they were.

"I was pretty naive as to what I could do and couldn't do. I didn't really understand what the job involved; I don't think anyone who ever gets involved in running for a public office does."

His decision to run took his mother by surprise. After all, he was only 32.

"I thought it was for an older man," she says.

But he's done well, she says, because, among other reasons, he follows through whatever he starts.

Neil's wife was also a little taken aback at first.

"He was young and we had a young family" with a 1-year-old and a 6-year-old, she says.

Sharon Hackworth says a group of friends were at get-together shortly before Neil decided to run for mayor. They were all about the same age and several were running for various offices.

Someone suggested Hackworth run for mayor. He laughed it off at first, Sharon Hackworth says. Still, the friends persisted.

Hackworth, whose term ends in 1993, says he hasn't decided if he will run again for his fourth term.

"I haven't made a final decision," he says.

His wife says she doesn't know either.

"He does not have an agenda," she says.

Hackworth says he doesn't aspire to run for higher political office.

"I like doing things for my community," he says. "I like doing things for people. I don't know. I think given today's attitude toward politics and politicians, I'm not sure it's where I want to spend my energy and efforts.

"At this point, I'm not certain what my future might hold. I would like to look into the possibility of other opportunities that might be out there. I don't want to limit my choices. I don't see it necessarily being an elective-type situation.

Despite the time he devotes to his job and civic activities, Hackworth has kept a good

balance between work, family and church, says Dr. Paul Schmidt, a psychologist with offices in Shelbyville and Louisville and a longtime friend.

Schmidt says Hackworth believes there are some things he can't control and he doesn't worry about them.

Sharon Hackworth says she and her husband "work as a team." The family frequently joins him for meetings that are out of the country.

One time she drove him to Harlan Community College where he was to give a speech.

"He was writing his speech as I drove," she says.

He also takes time with his family. Two years ago he went with his son on a church mission to Jamaica.

Hackworth's mother says she thinks her son hasn't gotten burned out on all his commitments because, "he's very calm and level headed."

He realizes he can't please everyone and "he doesn't let it worry him too much," Mary Ellen says.

Sharon Hackworth believes the ability to listen to both sides stems from his level training.

At one heated council meeting. Hackworth thanked the people for coming, in spite of negative comments about something being discussed.

"People can't stay mad at that," Sharon Hackworth says. "He's real open to discussion. He realizes that not everybody's going to agree. I've never seen him get angry in public. I've seen him be firm. With Neil, you know when you've stepped over the bounds without him saying anything. He never really has to raise his voice. There's something about his presence.

Neil Hackworth said he does remind himself that when people criticize a community project he needs to be open-minded and not take it personally.

From time to time, Neil, his wife and children—Will, 17, and Melissa, 13—get away from town for a couple of nights.

Another key to Neil Hackworth's success has been his desire to do well at many different things, Mary Ellen says.

"He taught himself to play the guitar," she says. "He's pretty competitive. He wants to succeed and he tries hard to do that."

His competitive nature shows up on the golf course, says Mayor John W.D. Bowling of Danville, who served as first vice president during Hackworth's term as president of the Kentucky League of Cities.

"He and I go at each other tooth and nail," he says.

Bowling gives Hackworth credit for looking "down the road". He mentioned, for example, the city of Shelbyville's purchase of the Undulata Golf Course earlier this year.

Many cities would consider such a move but never do it, Bowling says.●

STATE FAIR PARK CENTENNIAL

● Mr. KASTEN. Mr. President, I rise today to commemorate an important Wisconsin anniversary. This year, the Wisconsin State Fair is celebrating its 100th anniversary at its current location in Milwaukee County.

For four decades, practically since Wisconsin became a State, the State fair had been nomadic—since 1892, the Wisconsin Agriculture Society purchased a new, permanent location in what was then the southernmost portion of Wauwatosa.

Throughout its history, the Wisconsin State Fair Park has had tremendous economic and social significance while educating and entertaining. It has served as a forum to teach farm and city people on improved methods of food production, nutrition, and hygiene.

Over the years, the park has welcomed famous visitors including President Taft, Henry Ford, Col. Theodore Roosevelt, son of the former President, and Lucy Baines Johnson.

The Wisconsin State Fair Park is now the No. 1 tourist attraction in the State. Every year, 2 million visitors enjoy its more than 150 events. And this year will be especially exciting, as the State Fair Park celebrates its centennial year by helping the public understand what life was like in 1892 including a salute to other 100-year-old organizations: Mandel Printing, the YWCA of Milwaukee, Mutual Savings Bank, the Milwaukee County Zoo, and the village of Menomonee Falls.

I ask my colleagues to join me in sending our compliments to everyone involved in making the State Fair Park such a successful attraction—and and I invite America to visit the pride of Wisconsin, the Wisconsin State Fair.●

THE TRUTH ABOUT STEEL—PART II

● Mr. ROCKEFELLER. Mr. President, apparently undeterred by the filing of more than 80 antidumping and subsidy cases by the American steel industry, the Italian subsidy machine has struck again. A recent article in the Journal of Commerce reveals that the European Community Commission has begun an investigation into $577 million in subsidies that the Italian Government is paying Ilva, its State-owned steel company.

I suppose it is noteworthy that the EC Commission is actually investigating, it has not always been so diligent with the more than $50 billion in subsidies European governments have paid out over the last 15 years. Even so, this episode reminds us once again that the more things change, the more they stay the same. Ilva continues to lose money—$435 million last year—and the Italian Government continues to bail them out, in defiance of all economic logic and fiscal common sense.

As a result, overcapacity in Europe continues to grow, even in the midst of increasing low-priced competition from the United States, Korea, and other efficient countries as well as nearby Eastern European producers desperately looking for export opportunities for their troubled steel plants.

That's not good for the new market-oriented Eastern European economies, for the competitive producers like ours who have to bear the cost of European inefficiency through dumped and subsidized imports, and ultimately it's not good for the Community either.

Since the domestic steel industry filed its cases on June 30, there has been considerable discussion in the media over the industry's tactics and motives. Largely absent from that discussion have been suggestions that the cases lack merit. It is very hard for anyone who knows anything about world steel trade to deny that numerous companies continue to benefit from subsidies and that massive dumping is occurring. This news from Italy serves to dramatize that truth.

Mr. President, I ask that the text of the article I referred to be printed at this point in the RECORD.

The article follows:

EC PROBES STATE AID TO ITALIAN STEELMAKER

(By Bruce Barnard)

BRUSSELS, BELGIUM.—The European Community Commission Wednesday launched an investigation into US$577 million in state subsidies for Ilva, Italy's state-owned steel company.

The Italian government has two to three months to convince the commission that its aid package will not distort competition in the EC steel market.

If its appeal fails, Ilva, Europe's third-largest steelmaker, will have to repay the $277 million capital injection it received from the government last September to take over Sofin, a state agency which promotes economic growth in southern Italy.

The commission is expected to adopt a tough stance toward Ilva because of rising overcapacity in the European steel industry at a time of increased competition from low-cost Eastern European and Third World producers.

Ilva's case was seriously weakened last month when it announced a 1991 loss of 498 billion lire ($435 million). This ruled out the possibility of a stock issue which was intended to raise $650 million and formed a key part of Ilva's argument for the state aid package.

Italian bourse rules require three consecutive years of profit before a company can go public.

The commission said it is doubtful private investors would inject money into Ilva in these circumstances.

Meanwhile, Ilva is looking for European partners to help it weather the current slump in the industry. It also has signed an agreement with Nisshin Steel, Japan's sixth-largest steel company, to produce steel pipes for car exhausts at one of its plants in central Italy.

The commission is being pressed by private steel companies in Britain and Germany to curb government subsidies to their state-owned rivals.●

HATE CRIMES AGAINST GAYS CONTINUE TO INCREASE

● Mr. SIMON. Mr. President, I would again like to bring to the Senate's attention the nationwide increase in hate crimes. It is crucial that the citizens of this country understand that this kind of behavior does not, unfortunately, belong to another era. Nor is it restricted to particular regions of the country or certain kinds of communities. It is so

divisive for this country because it is still so universal. It is so insidious because it is still tolerated. We must put an end to it by labeling it as criminal activity motivated by hatred alone, by identifying it, by discussing how pervasive it is, by furthering legislation to stop it. This is essential to the safety of individual citizens as it is to the health of the Nation as a whole.

Today, I would like to direct your attention to an article published in the June issue of the American Medical Association Journal. According to the article, while attacks on gays and lesbians seem to be increasing, much of this kind of violence is never reported to the authorities. Gays and lesbians are often silenced by society's assumptions that they are heterosexual, by society's fear of the AIDS virus, and by their own fear of revictimization by the police if they report acts of violence against them.

Gay-bashing, physical assaults motivated by prejudice against homosexual persons, increased by 15 percent in 1991, according to reports on a total of 755 such incidents collected from community groups in 5 cities—Boston, Chicago, New York, Minneapolis-St. Paul, and San Francisco—by the National Gay and Lesbian Task Force. This rise in violence is rendered even more serious by the attitudes of some doctors and police officers who seem to be unaware of this issue. According to the following American Medical Association article, physicians often assume their patients are heterosexual, or may convey an insensitivity that will make victims of antigay violence less likely to reveal their sexual orientation.

The questions of why gay-bashing occurs and who perpetrates these violent crimes are confusing and unresolved. The AMA article indicates that there seems to be a consensus among experts in psychiatry that the causes of this kind of behavior are at least somewhat rooted in our society's value system and conception of gender roles. One expert said that many people perceive that aspects of antigay and antilesbian violence are legitimized by failure to prohibit discrimination against homosexuals and by failure of the courts to respond to the violence in a way which clearly signifies that it is wrong.

We must do what we can to raise awareness and educate people to appreciate the diversity of our Nation. While it is up to the courts to punish the perpetrators of hate crimes, it is up to us to remedy the ignorance and stigma that give rise to it.

Mr. President, I ask that the full text of the Journal of the American Medical Association be included in the RECORD following my remarks.

The article follows:

[From the Journal of the American Medical Association, June 10, 1992]

ATTACKS ON HOMOSEXUAL PERSONS MAY BE INCREASING, BUT MANY "BASHINGS" STILL AREN'T REPORTED TO POLICE

Trauma surgeon Sheldon B. Maltz, MD, says he had never even heard of antigay violence before the 12 hours it took to save Ron Cayot's life.

Three young men had jumped out of a passing car, shouting slurs at Cayot and a friend who were walking down the street in a neighborhood known for its large gay and lesbian population. There was arguing, then there were gunshots.

One bullet went into Cayot's neck, requiring reconstruction of the larynx with tissue from his clavicle. Another went into Cayot's back, through his colon, liver, and intestines, and out his abdomen, says Maltz, a critical care specialist at Illinois Masonic Medical Center, Chicago.

Two states away, Paul Carson, MD, says he "couldn't conceive of anybody doing" what his patient claims to have done. The patient, a married heterosexual truck driver, insists that his only risk for acquiring his human immunodeficiency virus (HIV) infection was cuts on his hands during the many bloody beatings he and friends systematically inflicted on randomly selected gay men over several years, "too many times to count."

"It was sort of a diversion, entertainment with friends, and they [gay men] were easy targets, was the way he talked about it," says Carson, an infectious disease fellow at the University of Minnesota, Minneapolis.

"Gay-bashing," physical assaults motivated by prejudice against homosexual persons, increased by 15% in 1991, according to reports on a total of 755 such incidents collected from community groups in five cities—Boston, Chicago, New York, Minneapolis-St. Paul, and San Francisco—by the National Gay and Lesbian Task Force. Its report says that, given the geographic diversity of those cities, "it is likely that other US urban areas, and perhaps suburban and rural communities as well, are experiencing a similar upswing."

"VERY GRATUITOUS" VIOLENCE

"In our experience, the violence is very gratuitous, and seems to be inexplicable in terms of the number of bruises on the body," says Matt Foreman, executive director of the New York City Gay and Lesbian Anti-Violence Project. Guns, even knives, are not usually the weapons of choice, but rather crowbars, clubs, and chains, he says.

"There is a lot more injury than would happen with a regular robbery" or mugging, Foreman says, adding: "With such a high level of violence, you'd almost automatically assume the guy must have asked for it, or must have been involved in some sort of real fight." But while the violence is very real, the fights tend to be anything but fair, with attackers almost always armed, outnumbering their victims, and taking them by surprise.

While some of the recently reported increase is likely due to better data collection, most such assaults still go unreported, according to groups across the country that are trying to confront the problem.

Victims are often unwilling to report the nature of the attack to police, in part because police themselves are said to sometimes verbally and physically assault gay men and lesbians. There were 146 such cases of abuse by police reported to the National Gay and Lesbian Task Force a 29% increase, in 1991.

PHYSICIANS NOT AWARE

Foreman says physicians sometimes may not believe patients who say they have been "gay-bashed," not necessarily because of prejudice against homosexuals, but because "we're always looking for rational reasons."

Physicians who treat these victims are often not told how the injuries occurred because the patient fears "secondary victimization," says Gregory M. Herek, PhD, a psychology professor at the University of California, Davis.

"Physicians frequently assume that their patients are heterosexual" unless specifically told otherwise, says Herek. Physicians may also convey an insensitivity that will make victims of antigay violence less likely to reveal their sexual orientation, he says.

Gay and lesbian patients may worry that physicians will "treat them badly" because they are homosexual "or that this might get on their medical chart, which could have a lot of negative implications for them in the future," as employment and other forms of discrimination against gay men and lesbians are legal in more than 40 states. "If something shows up in the newspaper identifying them as the target of a gay attack, that can set them up for a lot of other harassment and discrimination from other people that has nothing at all to do with the original assault," says Herek.

For these reasons, some physicians advise against automatically encouraging victims to go to the police. In Michigan, Terry S. Stein, MD, says some of his own patients have been abused by police, and feels that filing a police report may be "unwise unless there is some assurance that the police are not going to victimize them again."

Physicians "need to be sensitive to the potential trauma and fear that a gay or lesbian person is experiencing, and not simply encourage them to report this without some thoughtful working through of what the outcome would be," says Stein, a professor of psychiatry at the Michigan State University College of Human Medicine, East Lansing.

However, not reporting these crimes "perpetuates the silence that has so long supported violence against lesbians and gay men," says Bill Dineen, a vice president of the Pink Angels Antiviolence Project, a volunteer group that patrols the neighborhood where Cayot was shot. "As far as the police department is concerned, if a crime doesn't get reported it didn't happen, and nothing gets done about it."

Dineen adds that police in the district patrolled by the Pink Angels are now very "committed to following up on the information we give them." The same is beginning to be true in many areas where community groups have worked with police.

Pierre Ludington, MD, president of the gay-oriented American Association of Physicians for Human Rights in San Francisco, says that, "in this city, the police are very sensitive to it, and will chase perpetrators down as quickly as they chase perpetrators of anything down."

SEXUAL ASSAULTS NOT BELIEVED

Herek says physicians tend to be especially insensitive to gay men and lesbians in cases of sexual assault.

"There's an unwillingness to believe that a man, especially a gay man, can be sexually assaulted," Herek says. Physicians often "act as though this is something the victim brought on himself."

Herek says that, "in reality, in a great many cases of male/male sexual assault, it is heterosexual males who use sexual assault as just another way of degrading their victim.

It really drives home the idea that rape is a crime of violence instead of passion when you see it being perpetrated by heterosexual men against gay men."

Lesbian victims of sexual assault often are asked questions in the emergency department "that tend to assume that they are heterosexual," with disapproval and disbelief when the woman says she is not on any form of birth control, says Herek. When a rape is a lesbian's first sexual contact of any kind with a man, it "can create a lot of psychological problems beyond what other women who have been raped would face," he adds.

CAUSES DEEP-SEATED, UNDERSTUDIED

The questions of who perpetrates these violent acts and why, and why they seem to be increasing, have not been studied in a rigorous way. Rochelle Klinger, MD, professor of psychiatry at the Medical College of Virginia, Richmond, and member of the American Psychiatric Association Committee on Gay, Lesbian and Bisexual Issues, says she had trouble finding anything directly on antigay violence in the psychiatric literature during a recent search. Most information is in anecdotal accounts in the lay press, with some in academic articles on the more general issue of homophobia, she says.

"There is a lot of research about the stigmatization process in which society condones homophobia. That is the first step," says Klinger. "Then certain individuals take that to the furthest step, which is to actually be violent against gay men and lesbians."

Michigan State's Stein says causes are "rooted in both individual and societal prejudice. Many people perceive that aspects of antigay and antilesbian violence are "legitimized" by failure to prohibit discrimination against homosexuals and by failure of the courts to respond to the violence "in a way that gives a clear message that it is wrong."

"There isn't the same kind of moral outrage that is attached to racial and anti-Semitic violence," says Foreman. "As society increasingly condemns other forms of hate-motivated violence, it usually doesn't condemn antigay violence" to the same degree.

In 1991, for example, of nearly 600 cases followed through the courts by the New York antiviolence group, only two resulted in convictions. The lack of or weak official condemnation by the courts, schools, churches, and news media "keep this going," says Foreman.

WINDOW OF ACCEPTABILITY

"That's part of the explanation for the rise in antigay violence. There is still this window of acceptability," says Foreman.

There are attempts to close that window. Several state and local jurisdictions have included sexual orientation in laws mandating stiffer penalties for hate crimes (although some have explicitly excluded it).

A similar bill has been introduced in Congress. The 1990 federal Hate Crimes Statistics Act directs the Federal Bureau of Investigation (FBI) to collect data on sexual orientation and other bias-related crimes.

Only 26 states are submitting data so far. But the FBI hopes to publish its first report this fall, says Uniform Crime Reports instructor Bernie Dryden.

Perpetrator motives "are something we'd have a hard time understanding," says Carson, who found it "very hard to talk about" the violence his HIV-positive patient said he had committed. "A couple times in my office afterwards, he was crying about this stuff. I don't know if it was because of remorse or the realization of how he looked to other people."

One theory is that perpetrators may perceive themselves as enforcing society's gender rules or as defending their own masculine identity, says Foreman, noting that attacks often occur in the presence of such persons' female friends.

(Carson says his patient was "very upset" at the implication in some press accounts that latent homosexuality might have been behind his behavior.)

PERPETRATORS "DIFFERENT"

Those who carry out antigay violence are "different from normal perpetrators of violent crime," says Foreman, more often being middle class, able to afford their own attorneys, and looked at leniently by judges because they seldom have prior records.

Herek says some attackers are motivated by "deep-seated hostility or hatred," but many seem to participate because of more situational influences, like peer pressure.

A "classic pattern for violence against lesbians and gay men on the street is a group of late adolescent or young adult males, one of whom perhaps has strong feelings of wanting to go out and beat up some 'fags' or 'queers,' and that person cajoles the other members of the group. There is a feeling of a need to prove themselves to their friends, and so they go along with it," says Herek. "Perhaps they would not have initiated it themselves, but obviously they don't have strong feelings against it or they wouldn't have gone along with it."

Herek says that, unlike racially motivated attacks, which are more likely when the victim inadvertently wanders into the wrong neighborhood, perpetrators of antigay attacks go to gay areas seeking out victims. "That implies some sort of predisposition or premeditation, but it seems frequently that that may be the motive of just one or a couple members of the group, and the others are along for the ride."

The widespread belief that gay men especially are "not formidable foes" may also be a factor, he says, although "it's interesting that the perpetrators usually don't take any chances. They usually outnumber the victim and often carry weapons. There's no chance of a fair fight occurring."

That might also partly explain the increase of physical assaults, as gay men and lesbians are increasingly visible and may be increasingly likely to confront harassment. Dineen says that Ron Cayot's verbal response to a verbal assault "is indicative of where our community is. No, we are not acceptable targets and, no, we are not going to sit idly by and allow you to demean us or try to limit our expression or our sense of dignity and confidence just because you're uncomfortable with it."

Whether expressing that sentiment in verbal confrontation with someone hurling insults on the street is a good idea "depends on whether or not they have a gun," says Dineen, suggesting that a safer alternative is to step back, take a full description of the perpetrators and report it to police and antiviolence community groups.

PREVENTION IN PHYSICIAN'S OFFICE

Foreman says physicians may be able to play an important role in preventing antigay violence.

Adolescents account for 80% of all attacks, according to New York Police Department's data. "Many are coming to grips with their own sexuality—not to say that gay-bashers are in fact gay, but that there are sexual identity issues that they act out" to prove that they are not gay or that they are a "real man."

"If physicians working with adolescents when sexuality issues come up would say that being gay is nothing bad or abnormal to be condemned or cured, that would be a big help," says Foreman.

Carson acknowledges that he can never prove that his patient acquired his HIV infection via gay-bashing. While there "clearly are some documented cases where trauma from infected blood seemed to transmit the virus," Carson says he doubts that it is "a real significant risk"

Yet he reported the case in a letter to the *Lancet* (1991;337:731) because "if anything will give pause to people maybe doing that sort of violence, it was worth it."—by Paul Cotton•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Brett N. Francis, a member of the staff of Senator HATCH, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 15 to 30, 1992.

The committee has determined that participation by Mr. Francis in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.•

CALLING ON RUSSIA TO RELINQUISH ITS CLAIMS TO CRIMEA

• Mr. D'AMATO. Mr. President, I rise today to oppose the recent claims of Russia to the Crimea.

With President Yeltsin's visit to Washington, the United States celebrated the birth of a new era of relations with Russia and the countries of the CIS. Yet in the wake of these monumental events, the United States must not overlook the current territorial dispute between Russia and Ukraine over the Crimea. In laying claim to Crimea, a region in southern Ukraine, Russia is breaking its pledge to recognize the inviolability of national borders guaranteed by the Helsinki accords.

The Crimea has been recognized as a part of Ukraine since its transfer in 1954 and has always been formally accepted as such by the Russian Government. In bilateral treaties signed by President Yeltsin himself, Russia has

acknowledged Ukraine as an independent nation and committed itself to honor the rights associated therein. Consequently, the Russian claim to Crimea constitutes a challenge to the sovereignty of Ukraine and expresses a disregard for the rights of statehood. In a region where numerous republics have recently gained statehood, such actions present a destabilizing influence.

As an act of good will during this momentous period of international accord, Russia should promote peaceful relations among the countries of the former Soviet Union. Just as Russia should remove its troops from the Baltic countries, it should relinquish its claim to Crimea and act to further the cause of freedom which its own citizens broke the yoke of communism to obtain.●

DEMOCRATIC HISPANIC TASK FORCE FIELD HEARING

● Mr. SIMON. Mr. President, last May in my home State of Illinois, I chaired a field hearing of the Senate Democratic Hispanic Task Force on Issues Facing the Hispanic Family: Education, Employment, and Health Care. Yesterday, I included the first of five sections of testimony from this hearing in the RECORD. Today, I ask that the second section of testimony be printed in the RECORD at this point.

The material follows:

TESTIMONY OF ADELA CORONADO-GREELEY, TEACHER, INTER-AMERICAN MAGNET SCHOOL, CHICAGO, IL

Honorable Senator Simon, I wish to thank you for the opportunity to testify at this public forum and hearing on critical issues facing the Hispanic community. My participation will address the educational issues of Federal concern to this community.

I would like to begin my testimony by affirming that the Hispanic community is very much interested in the education of its children. When school based management was mandated for the Chicago Public Schools in 1989, the Hispanic community responded wholeheartedly. At that time 27 percent of the Chicago Public School's population was Hispanic, and 19 percent of parents voting were Hispanic. This is the closest we have come to parity within the Chicago Public School System. There are many success stories of reform implementation within our community, but I would like to highlight three to demonstrate the use made by this community of the two principal powers given local schools through school reform: selection of the principal and use of the discretionary funds that follow the lower income students, $275.00 of State Chapter I funds per child. Spry Elementary School with a population of close to 1,500 students, 96 percent of whom are Hispanic, after great controversy and hardship, selected a new principal. He has lifted the morale of the entire school and has united with other schools in the area to form a cluster of schools with similar needs and goals thus meeting the educational needs of their students. Orozco Academy opted to pioneer a gifted program for limited English Proficient Spanish Speaking students. It is one of only 6 such schools in the United States. Parents and teachers at Inter-American Magnet school chose to use their State Chapter I funds to lower class size so that all classrooms now have a maximum of 22 students. School Reform is reaching students and teachers in the classroom. The Hispanic community does care about the education of their children. Children are its main priority and therefore education is their main priority.

Most of the individual schools are doing all they can to educate each child for the 21st century. The obstacles, and constraints, in large part come from local, State and Federal lack of vision and support. Throughout the entire United States, who has the greatest dropout rate? I am sure you know it is the Hispanic community. This is true also here in Chicago. The Hispanic drop out rate is documented at 45%, however, Clement High School and Juarez High School, the two High Schools with the greatest Hispanic populations, report a 70 percent drop out rate. That is totally unacceptable and disgraceful for a Nation of Immigrants; for the Nation who is the leader of the industrial world.

Let it not be said or even thought that this is so because the Hispanic community does not value education. In Chicago we have proven this to be a damning stereotype—an easy escape. "It is their fault." The Hispanic community cares about the education of its children.

Then, why do our students drop out? I believe the answer lies in the educational issues concerning the Hispanic community * * * the subject of these hearings.

Overcrowding: The vast majority of the overcrowded schools in Chicago are in the Hispanic Community. There are up to 50 students in one classroom * * * 50 kindergarteners! Where else does this happen? I dare say not even in underdeveloped countries. Our students are taught in old, deteriorating, mice-infested, urine-smelling mobile units. Of mobile units in the Chicago School system, are in the Hispanic community. Our children are taught in hallways, closets, cafeterias (even while lunch is being served) washrooms, auditoriums, stages. They are literally being taught anywhere. Why do we have the highest drop out rate?

Gangs and violence: I don't exaggerate when I say that most of our children are prisoners. They are not free. They are not free to go to another school that may be underutilized because they are in danger of gang violence on the way or upon arrival. They are not free within their own schools because of gang recruitment. They are not free within their own homes because leaving their home to play, to hang out and be with friends or even to go to the library may place them in gang cross fire. And we ask, "Why do we have the highest drop out rate?"

The lowest reading and math scores: There are countless studies on the effectiveness of bilingual education and the importance of maintaining the home language. Yet, there still are schools here in Chicago who refuse to implement bilingual education and return to the State hundreds of thousands of dollars that belong to the bilingual child to assist his education. Still other bilingual students are exited from the program before they have a solid basis in their home language. This obliterates a viable transition to the English language and creates what we so often see * * * the semilingual students who master neither Spanish nor English. Yet other students are taught their bilingual classes by teachers who do not master the English Language. And, because of a State law, English dominant teachers cannot teach L.E.P. students English unless they have TESOL or Bilingual endorsement. Perhaps the following reality is the greatest obstacle of all. Because of their accent, many of our bilingual teachers are treated as second class citizens in the schools. If this is true of the teachers, how then are the students treated? In many ways, many of our students are constantly told, your language, your culture is of no value. Success is impossible without a positive self image. Why do we have the highest drop out rates?

Early Childhood Education: Since the inception of the Headstart Programs in the 1960's, early childhood education has been studied and proclaimed successful in the overall education of lower-income families. The most recent census shows that the fastest growing segment of the three and four year old population in Chicago is composed of children of Hispanic background. Nevertheless, in a printout prepared by the Department of Research, Evaluation and Planning, January, 1991, only 372 three and four year olds are identified as coming from Spanish speaking homes out of a total enrollment of over 20,000 three and four year olds in early childhood programs. One out of every 11 students in grades K through 12 has been identified as Limited English Proficient from a Spanish speaking language background. Yet only one out of every 38 three and four year olds has been identified as coming from a Spanish speaking language background! Do these figures indicate simply that Board policy was not implemented to identify the true number of Spanish speaking three and four year olds? If we were to possess accurate statistics, would they indicate that Hispanic children are enrolled in preschool at the same proportion or greater as they are systemwide which is 28.1% throughout the system and 28.9% at the elementary level before the drop out tragedy begins. Our three and four year olds are being underserved blatantly and no one is monitoring. Of the 372 that are being served, what percentage is being taught in their home language? In a National Association of Bilingual Educators Study on Families dated January 1991, researchers found evidence of "serious disruptions of family relations occurring when young children learn English in school and lose the use of the home language." Jim Cummins, a noted authority on bilingual education tells the following story: "The family's quiet was partly due to the fact that, as we children learned more and more English, we shared fewer and fewer words with our parents. Sentences needed to be spoken slowly when a child addressed his mother or father. (Often the parent wouldn't understand.) The child would need to repeat himself. (Still the parent misunderstood.) The young voice, frustrated, would end up saying, 'Never mind'—the subject was closed. Dinners would be noisy with the clinking of knives and forks against dishes."

We are indignant that only 372 Hispanic three and four year olds were identified in early childhood programs within the Chicago Public Schools as of January, 1991 and that "Most Spanish-speaking three and four year olds are receiving bilingual education IF the teacher and/or assistant speak Spanish." The question continues, why do we have the highest drop out rate?

These are some of the educational issues of concern to the Hispanic Community. It appears that the educational system for minorities, Hispanics in particular in this instance, has been set up for failure. It is true that the education of America's children is

the responsibility of each State but as Illinois Senators I believe you have a responsibility to the Hispanic students of Chicago. It is your responsibility to see that the obstacles and constraints be eliminated. The obstacles of overcrowding, of gangs and violence. The obstacles and constraints to effective Bilingual Education, to early childhood education so that each child has an equal opportunity, equal to that of the students of Wilmette and Flossmoor, to graduate from High School and go on to college, and be a contributing member and leader of his community and the Country as a whole.

Because of School Reform, because of its diversity, Chicago is the ideal city in which the Federal Government can implement a model City school system. Take on the challenge and lead the effort on behalf of the students of Chicago and the Country.

I would like to close by reiterating that the Hispanic community cares about the education of their children. School Reform in Chicago has proven that. What is more, the citizens of Chicago have embraced their students through School Reform and I believe that if Chicago did not respond violently to the events in Los Angeles last week, it is in part because of School Reform. Students, parents and community are working together to improve their schools. There is a grassroots movement through school based management that has unified, linked, the entire City. Senators, Chicago is the city in which to implement a model Federal school system and I urge you to sponsor this effort on behalf of the students of the Chicago Public Schools.

TESTIMONY OF REBECCA ALVIN PAREDES, BEFORE U.S. SENATE DEMOCRATIC HISPANIC TASK FORCE

Senator Simon, members of the U.S. Senate Democratic Hispanic Task Force, I thank you for the opportunity to provide testimony this morning regarding the education, employment and economic development issues of concern to the Hispanic community. Clearly these are and should remain critical to the interest of the federal government. Hence, I would like to offer the following information and comments with respect to the Hispanic community at large, and about the status of Hispanic women in particular.

Hispanics are one of the largest and fastest growing minority groups in the United States, but their participation in higher education is significantly lower than their proportion of the college age population (680,000 were enrolled in higher education in 1988). Hispanic demographic trends indicate that Hispanics will become a larger part of the work force in the near future. The age data from the March 1991 Current Population Reports shows the Hispanic origin population to be younger that the non-Hispanic population. About 30 percent of Hispanics were under 15 years of age, for example, compared to 22 percent of non-Hispanics. Conversely, about twice as many non-Hispanics (22 percent) were 55 years of age or older compared to Hispanics (11 percent). Clearly, this reality has made it increasingly necessary for educators, corporate America and policy makers to examine the inter-relationship of characteristics such as, national origin, age distribution, immigration, geographic concentration, and historical development, and their effect on the educational attainment of Hispanics in this country. Simply stated, Hispanics deserve and need to be educated and trained for the jobs of the future.

As many already know, Hispanics are not a monolithic group. The Hispanic population is comprised of all races and many nationalities. Moreover, the historical experience of each subgroup is different. Some of us are immigrants and others are native-born Americans. Yet we share many similarities in culture and language. Hispanics have made modest gains in educational attainment. About 46 percent of high school age Hispanics earned a diploma in 1983 compared to 51 percent in 1991. Also, in 1983, 8 percent of Hispanics had completed 4 or more years of college compared to almost 10 percent in 1991. Some may take comfort in these modest gains; but I ask "What has become of the others?"

Occupation data indicates that in March 1991, 29 percent of employed Hispanic males were working as operators, fabricators or laborers. Non-Hispanic men, by comparison, were most likely to have occupations that were managerial or professional (28 percent). Among employed women, both Hispanic and non-Hispanic, most held jobs in the technical, sales and administrative support categories (40 percent and 44 percent respectively). Major differences in occupational level occur in professional levels. Only 16 percent of Hispanic women were employed in managerial and professional positions compared to 28 percent of non-Hispanic women. And 14 percent of Hispanic women held positions as operators, fabricators and laborers than did non-Hispanic women (8 percent). The table which follows illustrates both the female and male labor force participation rates as of March 1991, eight months into the latest recession which began in July 1990.

Unemployment rates for Hispanics continue to hold at about 10 percent (6.9 percent for non-Hispanics). Hispanic males earned a mean income of $13,599, which is less than two-thirds of the non-Hispanic males ($21,267). Hispanic women have lower participation in the labor force than non-Hispanic women, 52.4 percent versus 57.0 percent, and higher unemployment rates, 7.8 percent versus 4.9 percent, respectively. Median income for Hispanic women was $9,188 to $11,245 for non-Hispanic women. Although the gap between the incomes of Hispanic women and non-Hispanic women is not vary dramatic; major differences exist in household size (3.48 persons Hispanics vs. 2.58 non-Hispanics) and female single head-of-households (24 percent to 16 percent respectively). This explains why so many Hispanics live in poverty (26.7 percent) than of non-Hispanics (11.8 percent). Since over 30 percent of Hispanics are under 15 years of age, it follows that a higher proportion of Hispanic children under age 18 live in poverty—37 percent compared with 17.3 percent of all non-Hispanics. Among Hispanic subgroups, the highest rate of child poverty was reported for Puerto Rican children, with about 57 percent living in poverty.

The demographic data pertinent to Hispanics mentioned above does not even begin to describe the deprivation, violence and desperation that characterizes many Hispanics' lives. Most work very hard and have the same hopes and dreams for their children that our parents share. But the circle of poverty creates many barriers. I am convinced that only through education and the allocation of appropriate resources can Hispanics continue to make small gains. Our Hispanic youth want to stay in school; many have hopes of attending college but lack information and financial resources. It is too easy to proliferate the myth that Hispanics are not interested in education; no one can afford to believe that nonsense. And it simply is not true.

I have worked in higher education for over 15 years primarily with minority youth and college students from both the Black and Hispanic communities. I have no doubts that Hispanic youth has the potential to learn and achieve. But the successes are miniscule compared to the needs of the population as a whole. I am convinced that we, the educators and policy makers must become partners in this endeavor. Corporate America must become a partner in this consortia; we all have a vested interest in the success of America's minority populations.

For the last seven years, I have been at DePaul University working to provide higher education opportunities for Hispanic women from the Chicagoland area. Since the inception of the Hispanic Women's Leadership Development Project, the Hispanic Alliance, a consortia comprised of DePaul University, Loyola University of Chicago and Saint Xavier College; approximately four-hundred and twenty-seven Hispanic women have resumed or begun a bachelor's degree program. Of these, fifty-one have graduated and are now employed in careers holding professional positions. These may not be considered impressive gains, but without a doubt these fifty-one women could not afford a private college education without support from the Hispanic Alliance, the Ford Foundation and the Illinois Board of Higher Education.

We will continue to provide these opportunities for Hispanic women because it is the most direct manner to effect positive gains in the Hispanic community. The benefits earned by these women extend to their families, the community, Chicago and the State of Illinois. They become strong contributors to the development of our society. Their college degrees give these women the social and economic mobility that had kept them in poverty for so long. Their personal success will benefit their families for generations.

I ask that you consider the complex needs of the Hispanic community and lend your continued support for resources to increase and sustain educational opportunities for my community.

TESTIMONY OF RAY VAZQUEZ, EXECUTIVE DIRECTOR OF THE LOGAN SQUARE YMCA

(U.S. Senate Democratic Hispanic Task Force)

Mr. Chairman and members of the Senate Hispanic Task Force. Thank you for the opportunity to address you this morning. My name is Ray Vazquez, Executive Director of the Logan Square YMCA and I am also here representing the Network for Youth Services a coalition of 40 youth serving members on the northwest side of Chicago.

I come today to speak on behalf of the 800 youth who have died on Chicago's's streets since 1982. They died not because of AIDS or any other physical disease, but a disease that has been plaguing our community for far too long. And while we are rightfully seeking cures for these illnesses, we have continuously lost generations of young people to the streets because as a society our approach to violence has been punishment. I am referring to Youth Gang Violence. For Latino youth, gang violence has had devastating effects. The Illinois Criminal Justice Information Authority recently released statistics indicating that teenage Latino youth males living in Chicago face a higher risk of becoming victims, and offenders in gang related murders. From 1982 to 1989, nearly 80% of all city homicides involving 15–19 year old Hispanic males were gang-related. In addition, 84% of murders involving Latino boys between 10 and 14 years of age were gang-related. The figures also show that teenage Latino males face the highest

risk of becoming offenders in street-gang related homicides. Latino teenagers are two times more likely to become offenders in gang-related murders than their black counterparts, and five times more than their white counterparts.

If we are serious about curtailing or eliminating this serious problem, then we must not let the death of these young brothers go unheard and begin to address stemming this violence in a comprehensive way. Today, there are over 4,000 youth gang members on the northwest side of Chicago and for that matter the thousands and thousands of youth on the streets of America who need our help! As a resident of the community I work in, a parent of a sixteen year old and a social worker for the past 17 years, the rest of my testimony will reflect on what we can do together to address the problem.

First, for too long, Youth development has not been a federal priority, and will not become one until communities start speaking out with a strong and unified voice that is heard by our elected officials. In an increasing complex and competitive world economy, America's human capital is our most important resource. Yet, too many of our young people are reaching adulthood unprepared to be productive workers, effective parents, or responsible citizens. America cannot remain strong unless we end this tragic waste of human potential. Over the past decade, public concern related to young people has focused primarily on improving academic performance and combatting youth problems like substance abuse and juvenile delinquency. The federal government has established ambitious National Education Goals and declared a War on Drugs, and government investment on both fronts has increased dramatically. However, it is becoming increasingly clear that America will neither achieve our education goals nor make significant progress on problems like substance abuse unless we address the broader development needs of our children and youth. Young people lack self-confidence, self-discipline, respect for others, and a sense of connectedness to their families and communities, are unlikely to be successful in school, and far more likely to engage in high risk behaviors. Community-based youth serving organizations are a tremendous resource in developing and implementing community youth development strategies, both because of their responsiveness to local community values and concerns and their ability to mobilize community resources. Notwithstanding these efforts, in most urban communities youth development efforts are both fragmented and underfunded, and no process exists through which key groups regularly come together to develop a comprehensive youth development strategy. Without a mechanism for coordination, existing "single-problem" federal programs (e.g. substance abuse, gang and AIDS prevention programs) compound this problem by working against development of a comprehensive youth development strategy. Strong bipartisan support for increased Federal investment in Headstart and other early childhood development programs signals an encouraging shift to a long-term holistic, investment-oriented strategy for youth development. The federal government must go beyond these important, but limited early childhood initiatives to encourage and empower communities to develop and implement a comprehensive youth development strategy. Recommendation #1—the federal government should relocate federal resources to fund a billion dollar per year Youth Development Block Grant (YDBG) to help communities move from crisis response to primary prevention in addressing the needs of their children and youth. Recommendation #2—the YDBG should incorporate a rigorous and innovative evaluation program so that in future years Congress and the public will have a sound basis for determining whether continued investment is appropriate.

This would prevent the abuse of federal $ as it happened in the 60's and 70's. Recommendation #3—while prevention should be a major component of the Youth Development Block Grant, we must not forget to allocate $$ to reaching the thousands and thousands of teens already caught up in gang life by providing necessary intervention services. Now I would like to go back and offer my suggestions on the gang problem. In March, 1991, the University of Chicago's School of Social Service Administration in cooperation with the Office of Juvenile Justice and Delinquency Prevention U.S. Department of Justice developed a manual for community based youth agencies on implementing a National Youth Gang Suppression and Intervention Program Model. This manual was prepared under the leadership of Dr. Irving Spergel, a renowned researcher on the gang problem. This national report underlined the steps and actions needed in providing a multifaceted approach by including community mobilization, provide opportunities for gang youth and their families and utilizing social intervention by the community based youth agency. The report further indicated that the federal government develop test models throughout the United States. Recommendation #4—that before we fund test models that you look at existing models that are very successful in addressing the problem. I offer as part of my testimony, the evaluation for 1991 on the YMCA Street Intervention Program conducted by Dr. Felix Padilla, a sociologist from DePaul University in Chicago. It clearly states that in order to prevent further gang violence and involvement their must be an intervention strategy to reach these high at risk youth. Further, a comprehensive approach of school reentry, job training and employment and recreation can deter further gang involvement. The biggest concern the evaluator had was the need was so great that the current resources could not address the problem entirely.

Finally, given the recent changes in the Soviet Union and the growing concern about economic and social problems at home, we in the local communities need our leaders in government to develop new ideas and new priorities to deal more effectively with the public's economic and social concerns. This new environment will create an opportunity for an interesting domestic policy debate that will define a new set of domestic priorities for the nineties. Our local community through the Network for Youth Services has initiated a process to develop public policies to address youth gangs, school dropouts and the coordination of services at the community level. Our process has included a Youth Summit for youth and parents interviewing community leadership and the creation of action committees to develop a system that creates an opportunity for policy development initiatives created at the local level to be discussed and presented at the federal level. What better way than to develop national policies using a bottom-up approach. I thank you for your time and look forward to working with you.●

NAVY REPORT ON NEW ATTACK SUBMARINE

● Mr. D'AMATO. Mr. President, the Defense Acquisition Board has rescheduled the Milestone 0 review of *Centurion* for August 20, 1992. The Navy assures me an August DAB will keep *Centurion* on track for a 1998 start. I ask the cosponsors of my amendment tying OASD, acquisition, funding to the *Centurion* DAB to be patient and give the acquisition czar an opportunity to redeem himself. If things go awry yet again, there is always appropriations.

Of equal importance, two letters issued by the Chief of Naval Operations establishing basic performance parameters for the *Centurion* and the Navy report on the new attack submarine have been delivered to Congress.

As these documents make clear, *Centurion* will be the first submarine designed with affordability considerations paramount. To save money, it will borrow heavily from the *Seawolf* program, particularly quieting techniques, while also adopting less costly *Los Angeles*- or *Trident*-class technology where appropriate. Ultimately, *Centurion* must be inexpensive enough to allow production of two ships per year to maintain fleet size and the industrial base in the next century.

My one concern, having reviewed Navy plans, is with the inordinate emphasis placed on power projection ashore. Missile launch rates established by the CNO for *Centurion* will require inclusion of a nonreloadable missile launch system, pushing the weight of the design into the vicinity of 7,000 tons displaced. We can ill-afford the cost of a nonreloadable missile launch system and its overall impact on the unit cost of *Centurion*.

Sea control is the forte of attack submarines. Will sinking enemy submarines or ships require large numbers of Tomahawks fired in a barrage? And why, as a submariner, spend precious dollars on the admission fee into the power projection ashore arena when the surface Navy, carrier and Marine air wings, and the Air Force already play there? Is influencing the land battle that important to the future of the submarine community?

With future submarine construction funds certain to be limited, and with it essential to keep the unit cost of *Centurion* as low as possible to allow procurement of at least two hulls per year, are there enough scenarios with enough targets to justify the costs of building into *Centurion* a nonreloadable missile launch system? I think not. *Centurion* should retain a modest Tomahawk capability, but no more than that dedicated to Harpoon or mines. A vertical launch system akin to that found in I688-class attack submarines is neither desirable nor appropriate.

But this is a quibble among friends. I applaud the Navy for bringing Congress

into the design process early. *Seawolf* was a political orphan; *Centurion* must be different. The Navy has taken an important step in sharing with Congress the logic and tradeoffs behind its newest attack submarine. We, in turn, must play an active part in shaping *Centurion*. This time, Congress must be a responsible parent, because our industrial base cannot weather another disaster like the *Seawolf*.

Mr. President, I ask that the Navy Report on the New Attack Submarine be printed in the RECORD at the end of my remarks.

The report follows:

NAVY REPORT ON THE NEW ATTACK SUBMARINE (UNCLASSIFIED VERSION)

EXECUTIVE SUMMARY

This report describes the ongoing Navy advanced submarine conceptual design process and summarizes preliminary trends based upon twelve pre-CENTURION concept studies, approximately forty CENTURION concept studies, and more than two hundred identified technologies with potential application to any future submarine design.

The conceptual design work conducted to date has been structured to accommodate wide flexibility given the uncertainty in future military requirements and budget. The Navy concept exploration process provides a wide range of design study options. Premature focusing on a concept with a narrowly defined size, level of technology and cost will be avoided.

This report is forwarded in classified and unclassified versions. This is the unclassified version.

Section 1—Description of the Senate Appropriations Committee Tasking

The SAC directed the Navy to submit to the Subcommittees on Defense of the Congressional Appropriations Committees a report on the full range of SSN design concepts in unclassified and classified form.

This is submitted in response to tasking from the 1992 Senate Department of Defense Appropriation Bill, Report 102–154, page 275:

"This report should describe and compare the various SSN design concepts in terms of: (1) size; (2) level of technology; (3) capabilities; (4) estimated RDT&E and shipbuilding costs; (5) technical risks; (6) year of lead boat full funding; (7) relationship to a range of realistic and likely Soviet and non-Soviet military threats of the late 1990's and beyond; and (8) potential impact on the nuclear-powered submarine industrial base."

Section 2—Background/Chronology

2.1 Pre-CENTURION Studies

During the period 1988 through early 1991 the Navy conducted a variety of generic submarine advanced concept studies. The Naval Sea Systems Command (NAVSEA) spearheaded an effort to assess innovative technologies in a variety of disciplines which had the potential for cost effectively satisfying future submarine operational requirements.

The goal was to conduct a flexible, exploratory evaluation of the impact of integrating a wide spectrum of advanced technological enhancements aboard generic submarines. By not assuming any specific military capabilities or submarine mission scenarios, this team was obligated to maintain a broad scope of candidate platform options. As a result, the integration of many advanced technologies was successfully assessed in a variety of single hull and double hull concepts.

Affordability, ship impact, and technical risk conclusions drawn from these assessments were not dependent on platform size or military capability and therefore provided the fundamental engineering data necessary to steer the projected military capability characteristics of any future submarine.

As a result of these studies, Navy was able to capitalize on the efforts of a dedicated team of Navy and shipbuilder engineers from the SEAWOLF program and provide early focus for the current CENTURION studies.

2.2 Initiation of CENTURION Studies

Recognizing the need for a less costly attack submarine alternative to SEAWOLF which incorporates its advanced technologies, Secretary of the Navy directed the initiation of the CENTURION Study in February 1991. Considerations driving this effort were:

The trend in defense spending mandated developing less costly options to SEAWOLF,

A need to accommodate the beginning of SSN 688 Class retirement,

Research and development for SEAWOLF had effectively climaxed and thereby provided an excellent point of departure for the study and,

Experienced and dedicated submarine design teams were in place within the Navy and in industry.

Although it is the best submarine in the world today, SSN–I688 class submarines are not a suitable alternative to the CENTURION project. SSN–I688 has a significant performance shortfall in quieting being only at acoustic parity with recent Soviet designs. Today only training, tactics, and sonar sensor capability permit our superior performance against the most modern adversary. Today's stealth technology can not be cost effectively backfit into the 25 year old SSN–I688 design.

In response to Secretary of the Navy direction to start concept exploration of a new SSN design, the Office of the Chief of Naval Operations (OPNAV) organized eight flag officer directed committees to formulate preliminary CENTURION military capability and mission scenario guidance for conceptual design use. Areas and parameters evaluated included: submarine roles and missions, weapons and launchers, speed and maneuverability, stealth, connectivity and special features, endurance, depth, and combat system and sensors. Each committee, as part of its recommendation to the Chief of Naval Operations (CNO) on desirable ranges of military capability parameters, focused on identifying key cost drivers and their relationship to military capability.

In response to the Secretary of the Navy's direction, NAVSEA began to focus its ongoing generic design effort on a next generation submarine. Working in close cooperation with the OPNAV committees, the Navy and shipbuilders developed a large number of attack submarine concepts spanning a wide range of military capabilities and sizes. These general attack submarine concepts provided a basis for assessing the sensitivity of ship size and cost to the military capability ranges recommended by the OPNAV CENTURION committees. In addition, they included a wise range of innovative and feasible technology enhancements and incorporated general conclusions and lessons learned from pre-CENTURION studies.

In October 1991, the Mission Need Statement (MNS) for Attack Submarine Capability was approved by CNO, emphasizing affordability while meeting the following military capability areas: covert strike (power projection ashore), ASW, covert surveillance/intelligence collection, ASUW, special warfare, mine warfare, and battle group support. After the Defense Intelligence Agency (DIA) validated the threat assessment, the Joint Requirements Oversight Council (JROC) validated the Mission Need Statement (MNS) and expressed the need to begin concept exploration for a less costly attack submarine alternative to the SSN 21.

JROC validated that the mission need was the multi-mission capability provided by a nuclear attack submarine. This is an important distinction. JROC stated the Joint Commander's need for the capability of a multi-mission stealth platform, a capability that has for the last 30 years been performed by the nuclear attack submarine. Although several non-submarine alternatives were presented, the JROC's clear conclusion was that "the mission need could best be filled by a nuclear attack submarine".

The JROC further noted that design concepts executed for reasons of affordability may not necessarily have to go through a full "new program start." Accordingly, the JROC encouraged attempts to streamline the process when fiscal reasons are driving the design. The CENTURION studies are clearly such a program vis-a-vis SEAWOLF.

2.3 Required Military Capability

In January 1992, the Chief of Naval Operations (CNO) promulgated a range of performance attributes to be used in the concept design of the new attack submarine. These set the outer bounds for the concept design effort and form the basis of alternatives to be studied in the cost of operational effectiveness analysis.

These attributes were the result of the operator's input in the original CENTURION study committees followed by a comprehensive mission effectiveness analysis to confirm the operator's evaluation of the utility of each attribute. The resulting performance ranges represent limits of effectiveness and military utility that leave sufficient latitude for the designers to optimize the ship.

After further review of these requirements following cancellation of SEAWOLF, Navy recognized and need to focus the design effort at the minimum requirements in some areas to ensure the new attack submarine will meet the requirement for an effective, affordable ship. In a February 1992 memo, the CNO directed focus in the following areas:

Retain SEAWOLF quieting. It is the cornerstone of all missions that submarines will perform in the future and will ensure the necessary tactical advantage.

Reduce maximum flank speed. Reduce to a speed to provide sufficient mobility and target closure and allow the submarine to operate with other naval units providing rapid response to regional crisis.

Maintain elementary combat systems requirements. Basic capabilities are all that are required. Use of various proven computer technologies in an open architecture design will be examined as a cost effective way to reduce weapons payload and weapons delivery rate. Use of non-reloadable launchers such as the vertical launch system and simplified internal weapons handling systems will be investigated to optimize payload and launch rate in an affordable manner.

Reduce maximum depth. Although deeper operating depths enhance performance, the design will concentrate on depths sufficient to meet the current projected threat.

Minimize crew size.

2.4 Ongoing Navy Efforts

Currently, Navy and shipbuilder efforts are directed toward engineering tradeoff studies

concentrating on affordability that will lead to the Navy's choice of submarine designs. These studies also support the Cost and Operational Effectiveness Analysis (COEA) planning for Milestone O. These efforts can be summarized as follows:

1. Ship impact and cost assessments of more than sixty shipbuilder developed design and construction ideas which have a strong potential to reduce shipbuilder costs are underway. These creative and innovative ideas originated from thorough shipbuilder reviews of their submarine system design and construction practices. These include such areas of study as:

a. Alternate foundation and isolation approaches.

b. Pressure hull and non-pressure hull design and fabrication for cost reduction.

Relaxation of construction tolerances.

Trade-off of HY steels for cost reduction.

c. Increased modularization to permit off-hull qualification testing.

2. Studies to further refine and characterize potential methods to reduce ship size and acquisition cost are in progress. The most promising of these ideas are:

a. Combat System cost and complexity reduction studies,

b. Propulsor cost reduction and simplification,

c. System simplification and cost reduction:

Hydraulic Systems,

Life Support Systems,

Air Systems,

Electrical Systems,

Weapon Handling and Launch Systems.

3. Numerous specific system simplification, system characterization, technology integration and affordability studies are underway.

4. Efforts to develop more refined cost modeling relationships to assess the cost of specific military capability requirements are in progress.

5. Procedures are being developed to continually assess cost impacts during CENTURION development in order to incorporate affordability considerations in all aspects of the program decision-making process. Current efforts include reviews of shipbuilding and vendor procurement specifications for cost reduction and business strategy considerations for shipbuilders and suppliers.

2.5 Planned COEA Efforts

Following a Milestone O Defense Acquisition Board review of the Navy's Mission Need Statement and the current threat assessment a Cost and Operational Effectiveness Analysis (COEA) will be performed by an independent study team in compliance with DoD Directive 5000.1 and DoD Instruction 5000.2. The COEA will provide:

A comprehensive examination of costs and benefits for the submarine alternatives specified at Milestone O.

A list of key assumptions and study variables to support Milestone I decisions.

The analytical rationale for the concept selected at Milestone I.

Single mission and multi-mission cost effectiveness studies.

Life cycle cost estimating will also be performed in conjunction with initial logistics planning. The results will be incorporated in the COEA.

Section 3—Current Assessment

3.1 Platform Size/Capability

The most important result of preliminary CENTURION work has been to identify the major cost drivers in submarine design. Initial studies indicate the drivers are: Speed; Combat Weapons System performance (including sensors, combat control and firepower); Stealth (acoustic quieting). These are the key military capability drivers and are vital to analyzing the preliminary study results and in determining the focus of CENTURION efforts. These results are the output of definitive engineering studies.

Preliminary platform concept study results have clearly shown that a nuclear powered attack submarine's acquisition cost and size are driven primarily by its required military capability. Studies completed to date strongly suggest that the primary method of reducing the acquisition cost is to carefully match military capabilities to operational and mission needs.

Based on the preliminary results obtained to date, some important trends in the relationship between size and military capability have become apparent. These trends are summarized below, concentrating on the three military capabilities that most influence the size and acquisition cost of a submarine: speed, combat weapons system and stealth.

Study results are presented below in three major displacement ranges as follows: 1. 6000 tons or less, 2. 6000 to 8500 tons, 3. 8500 tons or greater.

3.1.1 6000 Tons or Less

Initial efforts show that ships smaller than 6000 tons displacement do not provide the required military capability and also do not provide significant acquisition cost savings. The major performance shortfalls in ships of this size with SEAWOLF quieting are in speed and firepower.

Two major concept studies, one by a private shipbuilder and one by Navy designers, in this size range have both shown similar significant reductions in firepower and unacceptably slow speeds. Because Navy considers quieting the primary consideration in any concept, quieting was held constant while the designs were allowed to evolve, resulting in unacceptable performance in other areas. Speeds achieved were significantly less than required. As for firepower, designs in this lower displacement range could not accommodate the Vertical Launch System which is required for submarines of this size to provide the required missile launch rate.

The shipbuilder was tasked to design a 5000 ton submarine with the same constraint on quieting at SEAWOLF performance to determine a lower bound of displacement. The result was a 5007 ton platform, but the proposed ship didn't meet basic modern submarine design criteria in the areas of shock, fire fighting, equipment redundancy, and bulkhead design to collapse depth.

Additionally, from a military utility perspective, this 5000 ton ship was unacceptable in that both maximum speed and missile launch rate were below the CNO's desired ranges.

The second study was conducted by Navy designers. The tasking was to design a minimum displacement ship with SEAWOLF quieting using modern design criteria. The result was a ship with a displacement of 5800 tons. This Navy effort at a minimum displacement ship added the tonnage required to meet modern design criteria (shock, fire fighting, redundancy, and bulkhead design) but it still lacked adequate speed and adequate missile launch rate. Speed and missile launch rate were similar to the 5007 ton ship and were likewise unacceptable.

In an attempt to quantify the impact of incorporating the modern design criteria into an existing small submarine package, including quieting and shock, a study was conducted to estimate displacement impacts on the SSN 637 Long Hull design. The resulting "modern" design resulted in a ship of 5768 tons displacement, almost identical to the Navy 5800 ton concept. This validated the conclusion that modern ships with SEAWOLF quieting less than 6000 tons can not be designed with adequate speed and firepower.

The primary explanation for these results is that modern acoustic quieting and shock hardening with existing technology require the use of volume to provide equipment isolation from their bedplate, adjacent components, and hull structures. For example, current technology extensively utilizes double sound isolation. This requires additional structure and mounts which add volume throughout the ship. Additionally, shock clearances in these mounting systems are larger to incorporate modern shock design criteria. Machinery quieting sometimes requires lower rpm which requires even larger size components for the same power.

Since stealth is the essence of a submarine's military value, most of the nuclear attack submarine concepts studied in this displacement range were constrained to the acoustics and non-acoustic silencing features that provide stealth capability equal to that of SEAWOLF.

The sonar detection sensor suites used in these concepts were typically comparable to SEAWOLF in overall military capability. These sensor suites were used to determine what capability could fit on the various displacement ships and do not preclude simplification in the final Navy concept.

The conclusion of the studies conducted to date is that no design with SEAWOLF quieting and less than 6000 tons displacement could meet the CNO's minimum speed and firepower requirements. As for firepower, designs in this lower displacement range could not accommodate the Vertical Launch System which is needed for submarines of this size to provide the required missile launch rate. As displacement was forced to the 5000 ton range, additional reductions were necessary in stealth features, ship speed, and combat system capabilities.

3.1.2 6000 tons to 8500 tons

Submarine concepts in the range of somewhat greater than 6000 tons to 8500 tons allow the incorporation of a diverse range of military capabilities. Given the emphasis on affordability and the Navy's need to meet projected minimum military capability requirements, the Navy will extensively investigate this displacement range.

Most nuclear attack submarine concepts in this range can accommodate stealth features equal to SEAWOLF and adequate sonar sensor suites.

The concepts at the lower end of this range have firepower roughly half of SEAWOLF. At the lower end, only four 21" torpedo tubes can be incorporated and Vertical Launch to improve the missile launch rate can not be included. Torpedo stows are limited to 22 small diameter (21") weapons as compared to SEAWOLF's 42 stows.

The middle of this displacement range offers augmented strike capability with vertical launch cruise missile systems, more torpedo stow capability, and increased versatility for producibility improvements.

The upper end of this range offers many possibilities including increased firepower with six to eight torpedo tubes, sixteen or more vertical launch tubes, special warfare features, Unmanned Underwater Vehicle (UUV) integration, and enhanced combat systems.

The greater than 6000 to 8500 ton displacement range is a natural fit with the optimum (most cost effective) propulsion plant size available with today's technology. For a given propulsion plant size, ship speed only marginally changes for increased displacement of a submarine hull. Speed is proportional to displacement raised to the 2/9 power for a given shaft horsepower. Use of the optimum propulsion plant size in the greater than 6000 to 8500 ton regime results in ship speeds that meet the operational requirements and leaves room for design tradeoffs in the rest of the ship's systems that allow meeting the ship's affordability goal.

For the other cost driver, the combat system, this displacement offers more than adequate range to accommodate effective alternatives that maintain performance while saving cost. In sonar and fire control, this size allows use of most of the same sensors and arrays as SEAWOLF while reducing capacity of trackers, launchers, and other redundancies to save cost. In some areas such as communications and electronic surveillance, this displacement range offers the capability to use new technology to improve performance that would be more difficult on the smaller displacement ships. This includes the use of towed buoys and incorporation of a new technology ESM suite.

3.1.3 8500 Tons or Greater

Submarine concepts greater than 8500 tons have received little detailed conceptual design attention to date because the assessment was that concepts in this size range would offer comparable military capabilities to SEAWOLF in all major areas and would cost nearly the same as SEAWOLF.

3.2 Quieting Impact on CENTURION Design

Quieting has been a major driver of ship size, weight, and cost over the past 25 years. CENTURION will be the first nuclear submarine to simply "hold the line" on quieting.

Starting with noise reduction in the SSN 593, each successive class has incorporated new improvements. As requirements have become more stringent, it has become harder to gain ground as quieting technology has sequentially eliminated the easier noise offenders.

The challenge in the CENTURION design is to maintain the advantage provided by SEAWOLF stealth technology by engineering into a smaller, less costly platform. A prime example is the propulsor, which must be re-engineered to meet the unique horsepower, RPM, weight constraints, and operating range of the selected ship concept.

An initial assessment has been conducted to determine if CENTURION could be made significantly less costly through relaxation of noise quieting requirements in machinery isolation. While some minor savings would accrue from simplification of existing structure designs, these gains would be limited due to other design considerations. To achieve significant cost savings, an entire level of sound isolation (SEAWOLF has two levels of isolation) would have to be removed. While more efficient double isolation designs are now possible with advanced structural analysis methods the equivalent of two levels of sound isolation are still required to meet performance goals.

The second potential savings is relaxation of noise specifications for machinery and piping system components. However, machinery vendors have already incorporated the stringent requirements of SEAWOLF stealth in their manufacturing equipment. Only an unacceptable reduction in the noise goal would result in real cost savings.

A third area for potential savings is the propulsor which controls the high speed noise signature on the ship. Even a minor reduction in quieting goals would at least double the counterdetection range against today's threat. Concept design studies are concentrating on cost savings on the propulsor, but it is essential we maintain the goal at SEAWOLF quieting in this area.

3.3 Maximum Speed impact on CENTURION Design

Maximum speed varies only slightly over the range of displacements being explored for CENTURION with the optimum size propulsion plant. As previously discussed, the CNO has established a maximum speed for CENTURION based on the minimum acceptable for military utility. Because we are focusing on the minimum end of the range, speed will not be a significant factor in the CENTURION design.

Maximum quiet speed is generally thought of from two perspectives. The first is the maximum speed a submarine can travel with an acceptably low probability of counterdetection, typically 10 percent. The second is the maximum speed which can be achieved before the sensor suite is saturated with flow noise.

The sensor saturation speed is principally a function of the sonar arrays themselves. With the latest sensor suite technology, this speed limitation is relatively insensitive to ship design. Design efforts will utilize developments from the DARPA Hydroacoustics Center to engineer the hydroacoustic signature of the submarine to minimize flow-induced degradation of the sonar sensors.

3.4 Producibility Findings

Within any of the size ranges outlined above, preliminary findings show that manufacturing costs can be reduced by incorporating producibility features aimed at reducing construction manhours.

Preliminary findings indicate the Navy can realize cost savings in total construction costs. These will be in addition to cost savings from requirements reduction, system simplification, and propulsion plant cost reduction that will make CENTURION more affordable than SEAWOLF. Within any of the size ranges discussed above, incorporation of all the producibility features may require a modest increase in submerged displacement, which is expected to have an insignificant effect on ship military capability.

Some of the producibility concepts also have the potential for reducing Operating and Support (O&S) costs. Collectively these producibility concepts are expected to produce a new submarine that would be available for more operating time during its life cycle and would be less costly to operate and support than current attack submarines.

3.5 Technology Assessment

3.5.1 Technology Assessment Objectives

The general thrust will be to develop an affordable attack submarine using technologies with acceptable risk levels including existing systems or components from SSN-I688, TRIDENT, and SEAWOLF. This approach to technology innovation will carefully balance military capability, development and acquisition cost, impact on ship weight and volume, and technical risk.

To date over two hundred technologies have been identified for consideration. These technologies are being reviewed by teams of experts comprised by Navy design team members, DARPA R&D managers, Warfare Center personnel, shipbuilder engineers, and vendor engineers. Tradeoff analyses are being performed to provide the engineering and cost data required to assess the technology options.

3.5.2 Technology Categories of Maturity

Technologies examined for the various ship concept studies fall into four categories of maturity. An additional consideration in each category is the availability of the industrial base to support continued procurement. Varying degrees of re-engineering of the systems may be required to adapt them to the new submarine's requirements.

SSN 688/TRIDENT Technology—These technologies are being examined where their performance could offer a reduction in cost over comparable SEAWOLF technology costs. Examples of these technologies include selected AN/BSY-1 combat system components, HY 80 pressure hull steel and Type 18 periscopes. Few, if any, SSN, or TRIDENT components which are sources of radiated noise can meet acoustic signature requirements.

SEAWOLF Technology—These technologies represent a logical performance baseline to use in various concepts because they will have been demonstrated upon delivery of SEAWOLF. Examples are main propulsion unit technology repackaged to the correct shaft horsepower, pumps, weapons launchers, and hull coatings which achieve acoustic signature and survivability performance significantly greater than any prior submarine class. Combat system components such as advanced towed arrays and wide aperture hull sonars provide offensive and defensive warfighting capabilities not previously available in prior classes. Some re-engineering of specific components may be required to adapt them to the new submarine requirements.

Post-SEAWOLF/Near Term Technology—This group represents those low risk technologies from various sources that have been successfully demonstrated at or near full scale within the last few years or will do so in time to meet the ship's design schedule. Development of these technologies is the result of on going submarine related RDT&E by Navy, DARPA, and industry IR&D. Examples that could be considered for CENTURION include mechanical life support improvements, weight reductions through use of composite materials, use of fiber optics, and incorporation of DARPA innovative hydrodynamic features.

Developmental Technology—This group consists of the high risk technologies that would require significant concurrent development with the ship design. These technologies have not been tested in a full scale demonstration and the engineering feasibility of many of these has not been established. To meet any ship delivery schedule, significant development cost would be required. These technologies offer potential for payoffs in performance or affordability, but carry with them a significant risk to the ship design and construction schedule. Examples of these technologies include composite nonpressure hull stern structure, and DARPA structural acoustic initiatives.

3.5.3 Technology Assessment Findings

A summary of preliminary findings is as follows:

1. The Navy will conduct cost effectiveness studies of the various technology options. In those areas where SEAWOLF performance is not mandatory for mission accomplishment, the Navy will evaluate SSN 688 or TRIDENT technology for cost effectiveness.

2. SEAWOLF technologies offer the least cost approach to the concept design in areas where military capability is important. These include stealth, shock, and surviv-

ability which are among those areas where SEAWOLF represents a major improvement over prior classes.

3. Current/near term technologies show potential for reducing either system size (volume and/or weight) or acquisition costs without sacrificing military capability. Particular areas of interest are the auxiliary systems, electric distribution system, lightweight wide aperture sonar arrays, and composite materials. Efforts are focusing on the development cost and schedule for these technologies in order to properly weigh their potential benefits against SEAWOLF or SSN 688/TRIDENT technologies.

Other significant areas of interest include:

Combat system capability might be retained at less size and cost through the application of more densely packaged systems, use of deck (instead of cabinet) shock and sound isolation, and functional consolidation to reduce the number of cabinets and operators.

Weapon launcher and handling systems have multiple technology alternatives which can potentially reduce the system production costs and permit greater weapons stowage density.

4. For the majority of the developmental technologies examined to date for system and ship integration, the resulting potential system performance was greater than SEAWOLF, but the technology entailed a significant development cost and in many cases had significant schedule uncertainty. The Phase 0 concept development effort will examine all available cost effective technologies.

Efforts are being directed to determine how some of these technologies might be developed as pre-planned product improvements to later ships of the class. Developmental technologies may also provide opportunities for advanced submarine designs of the future well past the current CENTURION efforts and therefore continued support of these efforts is appropriate. Many of the DARPA Submarine Technology programs are in this category that will be reviewed for future incorporation.

6. The Navy must start development of many technologies for the CENTURION submarine in concert with the ship design schedule. Where systems have a long lead time, development must start now to assure hardware is available to the shipbuilder when required. Where technology demonstration is required, initial R&D funding is needed in FY 93 or FY 94.

3.6 Estimated RDT&E and Shipbuilding Costs

CENTURION's RDT&E and Shipbuilding Cost objectives will be approved at Milestone I (planned for 1993). Cost estimation is a major objective of acquisition Phase 0, Concept Exploration and Definition.

RDT&E costs are projected to be consistent with previous submarine developments in constant year dollars. For expected military capabilities, a rough order of magnitude cost estimate is between $3.4B and $4.4B (constant FY 92 dollars) assuming a lead ship award in FY 1998 with subsequent delivery in 2003. These estimated costs include HGM&E and Combat Systems. Estimates of propulsion plant development costs are better defined for the plant which best satisfies the projected optimum balance between ship size and speed. Propulsion plant development costs will be $725M to $750M (constant FY92 dollars). These estimates assume a viable vendor base.

Shipbuilding (SCN) costs are also very capability dependent. Industrial base uncertainty resulting from termination of SEAWOLF program will have a major impact on the cost of CENTURION and its development. Until ship configuration is better defined and industrial base impacts are understood, a total ship cost would be speculative.

3.7 Technical Risk

Efforts are already underway which will pay dividends in risk reduction:

Demonstration of technologies on operational submarines. Experience with new technologies will continue to reduce the risks and costs of using new technologies in a lead ship design.

Improvement in Design and Simulation Tools. Efforts by DARPA and the Navy to translate better knowledge of the "physics" of submarine performance are already being applied to CENTURION efforts. An example is the use of the DARPA developed Submarine Hydrodynamic/Hydroacoustic Technology Center to predict performance of various concepts. Similar efforts in survivability models, structural strength models, and naval architectural models are planned to reduce future detailed design, construction, and testing costs.

Demonstration of concepts on SEAWOLF program developed large scale test facilities. The Large Scale Vehicle (LSV) for propulsor and hydroacoustic testing and a submarine shock test vehicle are two major examples where cost effective testing of systems will be utilized.

Technical risks of the various concepts studied are principally related to the degree of developmental technology used in the concept's systems. The concepts which retain or increase performance over SEAWOLF while significantly reducing ship size would heavily rely on developmental technologies. Consideration of developmental technologies in the ship designs includes assessment of the fall back system redesign costs required if the technology development proves unsuccessful. In cases where the fall back redesign is very expensive, the benefits of the development technology must clearly outweigh the risk.

3.8 Year of Lead Ship Full Funding

Lead ship full funding is currently planned for FY 1998, with advance procurement of propulsion plant equipment starting in FY 1996. Ship construction earlier than planned would not allow sufficient time for development of new technologies and equipments with acceptable levels of risk. Component designs to support initiation of some long lead components would lack maturity, definition, or necessary prior testing for an earlier than planned procurement.

Selection of a construction start date will be a careful balance of new technology possibilities, such as the DARPA Submarine Technology programs, with the realities of maintaining both force levels and the industrial base. All technologies are being considered for incorporation. Low risk (with regard to cost/schedule/technical complexity) technologies will be incorporated if gains are commensurate with associated cost. Medium risk programs requiring further demonstration of proof of principle will have space/weight reserved if justified by cost benefit analysis. Technologies of high risk with indefinite development schedules and expected completion far in the future will not be provided for in CENTURION.

3.9 Potential Impact on the Nuclear Submarine Industrial Base

The Deputy Secretary of Defense, Donald J. Atwood, directed the Navy to prepare a plan for preservation of appropriate, affordable, and unique capabilities to maintain nuclear-powered submarine systems and design and produce such systems in the event of a need to reconstitute. A Navy conducted study prepared in response to this direction will address the potential impact on the nuclear submarine industrial base.●

ORDERS FOR TOMORROW

Mr. LAUTENBERG. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, July 22; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there then be a period for morning business not to extend beyond 10:15, with Senators permitted to speak therein for up to 5 minutes each, with Senators BAUCUS, WELLSTONE, GORTON, and PRESSLER recognized for up to 10 minutes each; that at 10:15 a.m. the Senate resume consideration of S. 2877, the interstate transportation of municipal waste bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LAUTENBERG. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:29 p.m., recessed until tomorrow, Wednesday, July 22, 1992, at 9:30 a.m.

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